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ABSTRACT

This report is the result of a conference that examined major civil rights issues facing people who are blind and visually impaired in Illinois and is intended to inform the U.S. Commission on Civil Rights concerning issues of equal protection. The introductory chapter reviews leading types and causes of blindness and visual impairment, incidence and social characteristics of this disability, and the Americans with Disabilities Act of 1990. Chapter 2 describes several advocacy groups of the blind and visually impaired such as the American Foundation for the Blind, the American Council of the Blind, and the Committee for Justice for the Visually Impaired. Chapter 3 considers service providers for this population including the Illinois Bureau of Blind Services, the Chicago Lighthouse, and the Illinois Blind Services Planning Council. Chapter 4 considers advocacy groups for the blind and visually impaired such as Illinois Parents of the Visually Impaired and Parents of Blind Children. Five federal enforcement agencies are discussed in the fifth chapter. The final chapter presents the advisory committee observations and recommendations in four areas: (1) incidence rates and public perceptions; (2) employment; (3) transportation and independent living; and (4) education. (DB)

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Civil Rights Issues Facing the Blind and Visually Impaired in Illinois

The Illinois Advisory Committee to the United States Commission on Civil Rights

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EC 308637

June 1999

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 3(d) of the Civil Rights Commission Amendments Act of 1994. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference that the Commission may hold within the State.

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Civil Rights Issues Facing the Blind and Visually Impaired in Illinois

The Illinois Advisory Committee to the United States Commission on Civil Rights

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A report of the Illinois Advisory Committee to the U.S. Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction. The observations and recommendations in this report should not be attributed to the Commission but only to the Illinois Advisory Committee.

Letter of Transmittal

Illinois Advisory Committee to the
U.S. Commission on Civil Rights

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The Illinois Advisory Committee submits this report, *Civil Rights Issues Facing the Blind and Visually Impaired in Illinois*, as part of its responsibility to advise the Commission on civil rights issues within the State. The report was adopted by the Advisory Committee by a 13-0 vote. The Advisory Committee is indebted to the individual participants for their time and expertise and to the Midwestern Regional Office staff for the preparation of this report.

This report contains information received by the Illinois Advisory Committee at a conference held on May 29, 1998, in Chicago, Illinois. The Committee is informed that this is the first report by a State Advisory Committee or the U.S. Commission on Civil Rights focusing exclusively on civil rights issues facing the blind and visually impaired. The Advisory Committee sets out in a separate section of the report a lengthy list of observations, having learned that persons who are blind or visually impaired have a disability that subjects them to an unusually high incidence of discrimination.

The Advisory Committee understands the Commission is charged to study and collect information relating to denials of the equal protection of the law, and trusts the Commission and the public will find the material in this report informative.

Respectfully,

Joseph D. Mathewson

Joseph D. Mathewson, J.D., *Chairperson*
Illinois Advisory Committee

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Illinois Advisory Committee to the U.S. Commission on Civil Rights

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Chapter 1
Introduction

Leading Types and Causes of Blindness and Visual Impairment

Blindness can be partial, with loss of only part of the vision. It can also be complete, in which case there is no perception of light. People with worse than 20/200 vision are considered legally blind, i.e., a person is considered blind if he or she can see at a distance of 20 feet what a person with normal vision can see at a distance of 200 feet.

Not everyone who is blind or vision impaired is the same. Moreover, most blind people have some residual vision, varying in degree from the ability to perceive light to reading normal-sized print with the help of corrective lenses or low vision aids. Only a small percentage of blind persons is totally blind with no light perception.

The reason not all blind and visually impaired people have the same level of vision is because blindness and vision impairment can be caused by a number of different diseases and conditions, as well as by accidents. Some are a result of aging, some are present at birth or before, and some are the result of disease or infection. According to the leading organizations of the blind, there are three major casual categories of blindness:

1. Inherited or congenital conditions
2. Conditions related to aging
3. Other causes

1. Inherited or congenital conditions

Retinitis pigmentosa. Retinitis pigmentosa is an inherited disease caused by a degeneration of the rods and cones of the retina. The disease first affects the rods, which are responsible for peripheral or side vision and vision in low light levels. As the disease progresses, the cones are affected and central vision is lost. Retinitis pigmentosa can include moderate to severe hearing loss, resulting in the person becoming both deaf and blind.

Retinopathy of prematurity. Retinopathy of prematurity is a condition that appears soon after birth, generally in premature infants. With the increased number of surviving premature infants, the incidence of this type of blindness has risen dramatically in recent years. When retinopathy of prematurity occurs, an abnormally high development of blood vessels in the retina occurs that causes the retina to detach and leads to blindness.

Acute glaucoma. Glaucoma is a disease of the eye marked by high intraocular pressure, damaged optic disk, hardening of the eyeball, and partial or total vision loss. Glaucoma can occur in infants when drainage openings are malformed from birth allowing pressure in the canals to buildup.

Albinism. Albinism is the congenital lack of normal pigmentation and can include the lack of normal eye coloring. Individuals affected by a lack of pigment in the eyes often experience vision impairment, including low visual acuity, involuntary spasmodic motion of the eyeball, dimness of vision, and/or an intolerance to light.

2. Conditions related to aging

Glaucoma. Glaucoma is a common vision impairment of the elderly. As individuals age, there may be an increase in the level of pressure within the eye caused by a buildup of fluid due to a partial or complete blockage of the drainage network of the eye. The increased pressure damages the optic nerve, the nerve that carries visual information to the brain, resulting in the gradual loss of vision. Although treatable if detected early, because the onset of the disease is so gradual often the symptoms of glaucoma are not noticed until there has been irreversible damage to the person's vision.

Macular degeneration. The macula lutea is an area in the eye near the center of the retina at which visual perception is most acute. Macular degeneration, sometimes referred to as age related maculopathy (ARM), results from damage or breakdown in the macula of the eye. ARM is the most common cause of severe vision loss in people over the age of 60 years. Though ARM

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usually does not result in total blindness, its onset limits the individual's ability to see clearly or identify visual details.

Cataract. Cataract is opacity of the lens or capsule of the eye causing partial or total blindness. A cataract is a normal part of the aging process, and most older people have some degree of cataract. As individuals age, the lens of the eye that was clear may become cloudy. In advanced cases of cataract, the surgical removal of the cloudy lens is required.

3. Other causes

Diabetic retinopathy. Diabetic retinopathy is an eye condition caused by diabetes. Over a long period of time, diabetes can cause damage to the blood vessels at the back of the eye. This may result in a deterioration of vision.

Trachoma. Trachoma is a contagious viral disease of the conjunctiva of the eye characterized by inflammation, hypertrophy, and granules of adenoid tissue. The damage leads to opacity or cloudiness of the cornea.

Rubella. Rubella is a contagious, eruptive disease caused by a virus and capable of causing congenital defects, such as blindness, in infants born to mothers who are infected during the first 3 months of pregnancy.

Xerophthalmia. Xerophthalmia is an abnormally dry and lusterless condition of the eyeball due to a severe deficiency of vitamin A. The condition is much more common in less developed countries where malnutrition is widespread.

Accidents. Many instances of blindness and vision loss each year are attributable to accidents at work, at home, playing sports and to automobile crashes.

Incidence and Social Characteristics of Blindness and Visual Impairment

Visual impairment[1] can be divided into five categories: (1) functional limitation in seeing print, (2) severe functional limitation in seeing print, (3) severely visually impaired people of working age, (4) legally blind persons, and (5) legally blind persons who are totally blind. Functional limitation in seeing print has two levels: nonsevere, i.e., difficulty in seeing letters in ordinary print even with glasses; and severe, i.e., inability to see letters in ordinary print even with glasses.

Functional Limitation in Seeing Print

Nationwide it is estimated that 9.7 million adults have a significant functional limitation in seeing print. This is 4 percent of the adult population, or 4 of every 100 adults. Moreover, of these 9.7 million adults, 1.6 million individuals have "severe" functional limitations in seeing print. This is 0.6 percent of the adult population, or 6 of every 1,000 adults.[2] There are high rates of visual impairment in the adult population of Illinois. It is estimated that 40,000 of the State's 6 million adults, 6.7 percent, have a significant functional limitation in seeing print.[3]

Legal Blindness

In the United States there are 1.1 million legally blind persons, i.e., clinical visual acuity of 20/200 in the better eye with best correction or a visual field of 20 degrees or less. This is a rate of 4.5 individuals per 1,000. Of those individuals considered legally blind, 220,000 have no useful vision, i.e., their vision is limited to light perception or less. Of those individuals who have no useful vision, 110,000 are totally blind, i.e., they have no light perception.

Incidence of Blindness/Visual Impairment

Every year approximately 200,000 persons in the United States acquire some form of visual impairment that is a severe functional limitation in seeing, an incidence rate of 1 per 1,000. In addition, there are 80,000 annual new cases of legal blindness, an incidence rate of 33 per 100,000.[4]

Age-related Blindness/Visual Impairment

The elderly, those aged 65 or older, are those most affected by vision loss; two out of three persons who are blind or visually impaired in the United States are over the age of 65. In 1990 the

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[1] Information in this part, unless otherwise noted, is from the American Foundation for the Blind, presented by Paul Schroeder to the Illinois Advisory Committee, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998.

[2] American Foundation for the Blind, from Census Bureau Survey of Income and Program Participation.

[3] 1990 U.S. census.

[4] American Foundation for the Blind, from Census Bureau Survey of Income and Program Participation.

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TABLE 1
Incidence of Legal Blindness

	Number	Incidence rate, total population	Percent of legally blind
Estimated legally blind	1.1 million	4.5 per 1,000	
No useful vision	220,000	9 per 10,000	20%
Totally blind	110,000	4.5 per 10,000	10%
Useful vision	880,000	36 per 10,000	80%

Source: American Foundation for the Blind, from Census Bureau Survey of Income and Program Participation.

TABLE 2
Prevalence and Projection of Severe Visual Impairment in Persons 65 and Over, 1970 to 2020

Age	1970	1980	1990	2000	2010	2020
65–74	516,859	584,445	732,307	830,819	954,946	1,402,245
74–85	605,781	765,161	1,024,551	1,219,482	1,220,274	1,434,114
85+	377,750	560,000	828,251	1,231,500	1,637,700	1,770,250
total	1,569,976	2,057,458	2,726,108	3,281,801	3,812,920	4,606,609

Source: Society for the Prevention of Blindness.

number of elderly affected by blindness or visual impairment was 2,700,000. Prevent Blindness America reports the leading causes of blindness will double their impact in the coming years as the Nation's 76 million baby boomers reach older adulthood. By the year 2020, twice as many people will be blind as are today. Macular degeneration will continue to be the leading cause of blindness, and there will be a near doubling of the total cases of glaucoma.

A special problem borne by some individuals is the incidence of the dual disability, deaf-blindness. The dual disability is not as rare an occurrence as perceived by the general public. The number of children, i.e., individuals 21 years of age or younger, in the United States who are both deaf and blind is estimated at 10,000, an incidence rate of 1.2 per 1,000 children.[5]

Employment and Social Characteristics

Individuals who are visually impaired are disproportionately outside the labor force and not working. The labor force is considered to include all individuals between the ages of 16 and 64 who are either employed or unemployed yet seeking work. Nationwide, 67.3 percent of all adults are in the labor force. Among adults who are blind with a severe visual impairment, just 26 percent are in the labor force. This means that for adults who have sight, 67 of 100 are either working or actively looking for work; among those with a severe visual impairment, only 26 of 100 are either working or actively looking for work.

TABLE 3
Adult Persons with Severe Visual Impairment Outside the Labor Force

Number	414,000
Rate	74%

Source: American Foundation for the Blind, from Census Bureau Survey of Income and Program Participation.

It is a common perception among the public that persons who are blind read Braille. Most persons who are legally blind do not use Braille as a reading medium. This includes students in educational programs below college and adults. Among legally blind students registered as such by the American Printing House for the Blind, only 10 percent use Braille as their primary reading medium. It is estimated that 8 percent of all legally blind adults are able to use Braille.[6]

[5] Ibid.

[6] Ibid.

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Conference on Civil Rights Issues Facing the Blind and Visually Impaired

The Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA)[7] gives civil rights protections to individuals who are blind similar to other individuals with disabilities. The act guarantees equal opportunity for the blind and visually impaired in public accommodation, employment, transportation, State and local government services, and telecommunications. In passing the Americans with Disabilities Act, Congress found that historically society has tended to isolate and segregate individuals with disabilities. In addition, section 504 of the Vocational Rehabilitation Act[8] makes discrimination against individuals with disabilities illegal for all entities receiving Federal assistance.

Despite some improvements in equal opportunity for disabled individuals, discrimination in employment, public accommodation, transportation, and access to public services continues to be a serious and pervasive social problem. Some forms of discrimination against individuals with disabilities include outright exclusion, the discriminatory effects of architectural and transportation barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities.[9]

Title I of the ADA prohibits discrimination against qualified individuals on the basis of blindness in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. Additionally, employers are obligated to make reasonable accommodations for the blind if such accommodations do not impose an "undue hardship" on the operation of the employer's business. In this respect, the ADA applies to private employers with 15 or more employees, State and local governments, employment agencies, and labor unions. The Equal Employment Opportunity Commission is the Federal agency charged with enforcing Title I of the ADA.[10]

Title II of the ADA prohibits discrimination against persons who are blind in all programs, activities, and services of public entities. It applies to all State and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of State or local governments and requires that all government facilities, services, and communications be accessible to the blind. Title II also clarifies the requirements of section 504 of the Rehabilitation Act of 1973 for public transportation systems that receive Federal financial assistance and extends coverage to all public entities that provide public transportation, whether or not they receive Federal financial assistance, establishing standards for the operation of public transit systems, including commuter and intercity rail (AMTRAK).

Numerous Federal agencies are charged with enforcing title II, including the Office of Civil Rights, U.S. Department of Transportation; Office of Civil Rights, Federal Highway Administration; the Office of Civil Rights, Federal Railroad Administration; Office of Civil Rights, Federal Transit Authority; the Office of Civil Rights, U.S. Department of Commerce; Architectural and Transportation Compliance Board; and the Civil Rights Division, U.S. Department of Justice.[11]

Title III of the ADA prohibits discrimination against the blind by any private entity that owns, operates, leases, or leases to a place of public accommodation. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Private clubs and religious organizations are exempt from the ADA's title III requirements for public accommodation.[12] Federal agencies charged with enforcing title II of the ADA also are charged with enforcing title III.

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[7] 42 U.S.C. §§ 1201-12213 (1998).

[8] 29 U.S.C. § 794 (Supp. 1994).

[9] Ibid., sec. 2 (a).

[10] Ibid., title I.

[11] Ibid., title II.

[12] Ibid., title III.

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Authority of the U.S. Commission on Civil Rights and Purpose of the Illinois Advisory Committee Conference

The U.S. Commission on Civil Rights is charged with the duty to study and collect information on legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of disability. The Commission is also to appraise Federal laws and policies with respect to discrimination or a denial of equal protection of the laws under the Constitution because of disability.

An Advisory Committee to the U.S. Commission on Civil Rights has been established in each of the 50 States and the District of Columbia. Advisory Committees are to advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission, and receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee.

The Illinois Advisory Committee is composed of 13 members. It includes representation from both political parties as well as the different geographic regions of the State. The Illinois Advisory Committee is also independent of any National, State, or local administration or policy group.

The purpose of the Advisory Committee conference on "Civil Rights Issues Facing the Blind in Illinois" is to examine and publicize major civil rights issues in order to ascertain the extent of and promote the elimination of any continuing unfair and illegal forms of discrimination against the blind and visually impaired, the existence of which denies such individuals the opportunity to compete on an equal basis, full participation, and economic self-sufficiency.

This is the first report by any State Advisory Committee or the U.S. Commission on Civil Rights in its 40-year history focusing on the issue of blindness and visual impairment. It is not the first time, however, for the Illinois Advisory Committee to direct its attention to a specific disability civil rights issue. In October 1990 the Illinois Committee released a report, *Rights of the Hearing Impaired*[13] which examined civil rights legislation as it affects the hearing impaired.

On May 29, 1998, the Advisory Committee held a public conference on "Civil Rights Issues Facing the Blind in Illinois." Invitations were extended to all known prominent advocacy organizations of and for the blind, service providers to the blind and visually impaired, and government agencies charged with serving the blind and visually impaired or enforcing the civil rights of the blind and visually impaired. Statements received from such individuals and organizations are included in this report. In section 6 of the report, the Advisory Committee sets out its observations and recommendations regarding the civil rights of the blind and visually impaired in Illinois.

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[13] *See* report of the Illinois Advisory Committee to the U.S. Commission on Civil Rights, *Rights of the Hearing Impaired*, October 1990.

Chapter 2

Advocacy Groups of the Blind and Visually Impaired

A distinction exists among organizations representing and/or advocating for individuals who are blind or visually impaired. One group of organizations presenting information to the Illinois Advisory Committee consists of organizations whose memberships are composed of people who are blind and/or visually impaired. Representatives from the following four such advocacy organizations testified: the American Foundation for the Blind, the National Federation of the Blind, the American Council of the Blind, and the Illinois Committee for Justice, and their statements are included in this section. The other group of organizations addressing the Advisory Committee provides services to the blind or visually impaired. Their background information and statements are found in the next chapter.

The American Foundation for the Blind was founded in 1921 and works to educate the public and policymakers about blindness and the capabilities of blind people it advocates for and shapes legislation that enables blind and visually impaired people to join successfully the ranks of tax-paying workers and consumers contributing to American society. The National Federation of the Blind, founded in 1940, is the largest organization of the blind in America, and its ultimate goal is the complete integration of the blind into society on a basis of equality. The American Council of the Blind seeks to improve the living conditions of people who are blind and those with visual impairments by advocating for educational opportunities, health care services, social security benefits, vocational training, and other health and social services. The Committee on Justice for the Visually Impaired is an organization of people who are blind that focuses its advocacy effort on access to public transportation.

These organizations, although in agreement on most issues regarding services to the blind and visually impaired, hold many distinctly different views with regard to the most appropriate education, training, and accommodation methods. The advocacy groups of the blind and visually impaired are not united in pressing for an agenda for the visually impaired.

The American Foundation for the Blind

Paul Schroeder [1]

In many ways the civil rights community does not understand as well as it should that civil rights for people with disabilities—and certainly with people who are blind—require more than merely a nondiscrimination policy that is actively enforced. While the enforcement of a nondiscrimination policy is very important from an attitudinal perspective, civil rights for people with disabilities require specific kinds of actions to promote accessibility and to ensure accommodations.

Disabilities, unlike other "protected classes" addressed in civil rights statutes over recent years, are more than merely the attitudes that individuals hold towards disabilities. Ensuring equal opportunity for people with disabilities does, in fact, require specific kinds of steps and actions be taken.

Regarding civil rights issues facing the blind and visually impaired, there are three critical areas. First, ensure and protect existing civil rights for people who are blind and visually impaired. Second, ensure access to service. Third, ensure the right of access to information and the technology that underlies information today. The last point is the area least understood in civil rights law, and at this point in time the area that need the most attention because it has the greatest impact in terms of exercising existing rights.

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[1] Statement by Paul Schroeder to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL May 29, 1998. Paul Schroeder is the director of the Midwest region of the American Foundation for the Blind. The headquarters of the AFB is 11 Penn Plaza, Ste. 300, New York, NY 10001.

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Protecting Existing Civil Rights

The AFB has spent many years working on civil rights issues. One important recent effort was work to ensure that the standard for Braille signage was included in the Americans with Disabilities Act (ADA) accessibility guidelines, and that adherence to the Americans with Disabilities Act would, in fact, put signage in appropriate places.

There is a reason why there is not as much signage as the blind and visually impaired would like. The blind and visually impaired community is a relatively small population. There are just 2 to 4 million people in this country with severe visual impairments, and they are spread throughout the country. The lack of advocacy in any one particular local community is a result of there not being many blind and visually impaired individuals in one locality.

The Americans with Disabilities Act, while an excellent law, also contains numerous exemptions, exceptions, and other provisions that limit its reach and its application. That is most evident in areas such as installation of Braille signage. For a building already existing at the time of the Americans with Disabilities Act, signage is not required.

Additionally, people who are blind and visually impaired have not been as active in advocating for rights under the law. For example, only just over 2 percent of the complaints issued with the Equal Employment Opportunity Commission have to do with blindness or visual impairment. Most individuals who are blind or visually impaired are unaware of some of the details of laws such as the Americans with Disabilities Act and the rights that the law and its implementing regulations afford such as the requirement for bus stop calling or the requirement for installation of warnings along the edges of transit platforms in rail systems. Equally unaware is the general public and those required to take action under the ADA to accommodate the specific needs of people who are blind and visually impaired.

More publicity and promotion of the protections afforded by laws such as Americans with Disabilities Act and section 504 of the Rehabilitation Act, both to individuals who are blind or visually impaired and to the general public, are needed. A better job of promoting the importance of things like access to information in Braille or tape, promoting the importance of calling bus stops so that all passengers, including passengers who are blind and visually impaired, can make better use of transit systems, are steps that can be taken. Additionally, there may be ways to reward those meeting their obligations under the ADA. These kinds of incentives are worth pursuing.

Ensuring Access to Service

Ensuring access to services is a second very critical concern for people who are blind and visually impaired in order for them to have the skills and specific kinds of knowledge required to be independent as a blind person.

The blind and visually impaired community is very concerned about the trend toward consolidated agencies and the closing of specialized schools for people who are blind. These actions take away not only an opportunity for people to work and receive services in a setting that is conducive to their needs, but perhaps more important than that, it takes away the knowledge, experience, and specialized training of staff who must provide the instruction for people who are blind and visually impaired.

Beyond ensuring access to these services, there are other gaps that people who are blind experience, particularly the health care system. Both Federal and private health care often does not fund the services needed by blind people, especially those who are over the age of 65—the majority of the blind population—and does not fund the services that those people need to remain independent as they lose their vision. Once a vision loss has occurred, there is almost nothing that the health care system funding package has to offer people who are blind and visually impaired. That is not true of somebody who experiences a physical disability. They are able to receive rehabilitation and other kinds of services to help them live independently with that disability.

Access to Information

Access to information is the third issue of importance to the blind and visually impaired community. Access to information and modern information technology has emerged as one of the greatest challenges to people who are blind and visually impaired. One cannot be independent or participate in this society if he or she cannot use a computer.

The anger, the frustration, the depression are all too frequent from individuals who are blind

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and are unable to use their talents simply because Braille or tape or large print material was not provided or an accessible computer was not made available. Being able to access and manage and manipulate information is critical to independence. Being able to use computers and software programs and electronic information is equally critical.

The problem is really twofold: (1) access to an alternative formats and (2) the design of the technology itself. The solution to the first problem is to ensure the timely access to an alternative formats, which is the typical Braille style tape or large print, or audio presentation of something that is visual. Secondly, the design of the technology itself creates access barriers. For example, for a blind person it is extraordinarily difficult to navigate a graphic screen if one of those picture icons on the screen is not labeled in some alternative format. Equally, text that is painted to the screen or made as an image on the screen cannot be conveyed in speech to a blind person through the current means of providing access to computers. Blind people can use computers if they are designed correctly, and "if they are" they certainly could use them extremely well in the days of ASCII and DOS, the text-based system for personal computers.

Over the years blind people have been heavily handicapped by the ocean of printed information. The blind face more barriers than any other group in accessing information. Now technological innovations are further eroding this group's independence.

There is hope. Information in a digital form or electronic form can be rendered in speech or Braille if it is designed properly. But the technology has to be designed properly. There are some laws that have helped to move us in the right direction, but enough has not been done

Section 508 of the Rehabilitation Act is a separate part of that law that requires the procurement by government of technology which is accessible for people with disabilities; however, to our knowledge, it has never been enforced and is rarely every used. Section 504 requires federally funded programs to ensure access and, in fact, over the last few years the Department of Education's Office of Civil Rights has issued excellent findings regarding university access requirements to help students access information and computers.

The U.S. Department of Justice has indicated that the ADA does, in fact, apply to the World Wide Web sites, but it says so in a very tepid way. The web site must be made accessible unless the entity that is covered has another means of providing information access for blind or visually impaired persons.

The new Telecommunications Act, which includes section 255, requires telecom equipment and services to be made accessible for people with disabilities. If they cannot be made accessible directly, then they are to be made usable by the assistive technology that people with disabilities use. These laws have helped, but unfortunately none of them set a clear policy on access to technology and computers, computer software, and the Internet. We still have an overwhelmingly, inflexible policy in our society that says "hands off" of information technology, as if it were still a fledgling industry that needs protection.

Lastly, in regard to information, is the issue of access to popular culture and the mass media, in particular access to television and video. It may seem a little funny to be arguing for access to what most people would describe as the mediocre and mundane world of television. However, that is where people are. That is where culture is taking place, and that is where most people are getting their information. People who are blind and visually impaired watch television as anybody else, but they miss out on a fair amount of what is happening on the screen because it is not described. In this sense they can be harmed because they are unaware of the popular culture and unable to participate with others regarding what is happening on television or in the movies. When one misses information about our society, for example, weather reports that are scrolled across the bottom of the screen in print, the loss of access can be life-harming.

There's a solution; it is called video description. It can be provided. It is currently being provided in a pilot form by the Public Broadcasting System. To people who are deaf or hearing impaired, closed captioning provides access to the audio portion of a video program. Thus far Congress and the Federal Communications Commission have not decided to give video description a similar treatment as closed captioning. I think that issue deserves some have attention.

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The National Federation of the Blind

Stephen Benson and Brian Johnson [2]

Most people know someone who is blind. It may be a friend, a family member, or a coworker. The blind population in the United States is estimated to exceed 700,000 people, and an additional 50,000 Americans become blind each year. These numbers may not seem large, but social and economic consequences of blindness directly touch the lives of millions of people. An overriding concern is negative attitude by the public toward blindness. Such misconceptions and stereotypes about blindness are the most significant barrier that blind people have to face, much more significant than the actual loss of sight.

We are the National Federation *of* the Blind (NFBI). The organization started in 1940 as an organization of blind people, an organization of consumers. Sometimes, agencies may be *for* the blind, and these agencies—though they do deal with blindness—may not be working for the same things as an organization *of* the blind. Public policies and laws that result from misconceptions about blindness or lack of information or the lack of genuine commitment to address issues related to blindness are often more limiting than the loss of sight.

Access to Technology

The specific issue of access to technology and consumer home products industries has significance in the areas of education, employment, and public accommodation. Public policies and laws affecting blind people have a profound impact on our entire society. Advances in technology have resulted in dramatic and far-reaching changes in business, education, scientific and medical research, recreational activities, and daily home life.

While most people in our society regard these technological changes as positive, blind people view them with caution from a thoughtful and critical perspective. Our concern has to do with whether designers/developers of such technology, computers as well as consumer home products, have or will include software and hardware that will allow blind people to use said products without substantial additional costs, extensive and costly training, or undue reliance upon sighted assistance to accomplish routine tasks independently as we did prior to such things as flat screens on microwaves and undefined buttons.

Analog technology with discernible buttons and knobs served us very well. During the 1980s and 1990s, blind people experienced new competitive job opportunities because of the availability of screen reading software that used the text-based MS-DOS system. Using this system word processing, data-based management, and spreadsheet operations were performed by blind computer users with the same facility as by sighted users. Considering the fact that the unemployment rate among blind people is in excess of 70 percent, computer access and the increases in job opportunities that it promised was at least encouraging.

In the mid-1990s Microsoft, marketer of MS-DOS, began to design and develop a new operating system called Windows that uses something called a graphical users interface called GUSI. The designers of GUSI failed to include in the original design any provision for screen reading software that would give the blind computer users the same screen access as DOS did. The negative impact resulting from this failure was that blind people were faced with costly training in the use of the new system. It was necessary to rely on the assistance of sighted readers more, and blind people were faced with the prospect of job loss.

While Microsoft has assigned a team to work on the accessibility question, and while they have designed and, developed something they call active accessibility, it must be noted that the results of that system testing have been highly questionable. It has not been widely accepted, widely used. Until these issues have been resolved, access to computers by blind people will be less effective than it should be. The recent design of computer operating systems and screen vending software present serious problems for blind computer users.

Access to Consumer Home Products

If one visits an appliance store and looks at microwave ovens, one will observe that the con-

[2] Statement by Stephen Benson and Brian Johnson to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Stephen Benson is the president of the National Federation of the Blind of Illinois (NFBI), and Brian Johnson is second vice president of the Chicago chapter of the NFBI. The headquarters of the NFBI is 1800 Johnson St., Baltimore, MD 21230.

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trol panels of all the units on display are absolutely flat. There is no discernible difference among the touch pads that activate the functions of the microwave ovens.

Microwave ovens are not unique by their lack of access to a blind operator. Televisions, VCRs, stereo systems, washers and dryers, ATM machines, public information, telephones, and other appliances distinguish themselves by their bold designs that are completely inaccessible to blind people. A few manufacturers provide overlays or templates, but these devices have no value when the control panel contains multimodal buttons or touch points that control a variety of functions, depending on what menu screen is displayed.

It is clear that the only way to ensure that computers and consumer home products are accessible to blind people is to require by mandate that the designers and developers of these products include provisions for such accessibility in their original designs.

Equal Opportunity and Public Service Agencies

The National Federation of the Blind has over 50,000 members, and one of its primary concerns is employment for the blind. The unemployment rate among the blind is in excess of 70 percent. Training in adjustment to blindness and education training are critical to equal employment opportunity for the blind.

In the 1980s more training agencies for the blind emerged. Many people who were blind began to receive such training at centers outside their home State. In Illinois, with the exception of a few individuals, the Illinois Rehabilitation Program refuses to pay the entire cost for customers training in adjustment to blindness, regardless of the freedom of choice amendment in the Rehabilitation Act. The Illinois Department of Rehabilitation states that a customer can choose where he wants to go for training in adjustment to blindness, but will only pay for part of it or sometimes not pay for any of it. Blindness adjustment training, from the NFBI's standpoint, is not supposed to be a service under the State means test.

Consolidation of State Services to the Blind

In March of 1996, the Office of the Governor of Illinois told the NFBI that although all rehabilitation—including services to the blind—would be combined in Illinois into a much larger agency, the Department of Human Services, which also includes mental health, public aid, and several others, services for the blind would not change in any way.

This is a national trend. One of the places where it started was in Wisconsin. Public officials saw that idea and said, "That looks like a good idea. Let's do it too." The NFBI holds there to be strong evidence that supports the notion that agencies for the blind, whose sole purpose is to provide adjustment training for blind people and the peripherals that go with it, function much more effectively than agencies that are buried in huge umbrellas. Braille, computer technology, daily living skills, and most importantly, helping people to develop the confidence and belief in themselves to compete on terms of equality and self-reliance are *not* addressed in most State agencies, including Illinois.

College Education

There is a sentiment that the State program for the blind is trying to get out of paying college tuition for eligible blind customers. They are trying to do this by a statute called the Relatives Responsibility law. That law requires that certain criteria have to be met by the rehabilitation customer before the State will pay college tuition and housing. If the criteria are not met, the main body of the college tuition payment is the responsibility of the customer or his or her guardian. This policy was initiated by the Illinois General Assembly. The Bureau of Blind Services, which is part of the Illinois Department of Human Services, had little input into the new means test criteria and no voice at all as to its effectiveness. It is a real problem and it makes no sense.

The American Council of the Blind

M.J. Schmitt and Ray Campbell[3]

Services to the Blind Community and Equal Employment Opportunity

The Illinois Council of the Blind and its local chapters remain opposed to the Bureau of Blind Services being placed within the Illinois De-

[3] Statement by Ray Campbell and M.J. Schmitt to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Ray Campbell is president of the American Council of the Blind of Metropolitan Chicago, affiliated with the Illinois Council of the Blind; M.J. Schmitt is president of the Illinois State chapter of the American Council of the Blind (ACB). The headquarters of the ACB is 1155 15th St., NW, Ste. 720, Washington, DC 20005.

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partment of Human Services. Although the Bureau of Blind Services appears to be operating in an autonomous manner and in much the same manner as before its merger, it needs to be emphasized that blind and visually impaired people need disabled-specific services.

Generalists maintain that these services can be transmitted to people in general agency. But blind people need to be rehabilitated and taught by people who have been taught to teach and taught to counsel blind and visually impaired people. The successful blind people in this country are the people who have had a superior education and been taught by people who know the shortcomings of this disability, where the weaknesses are going to be, and how to help you be the best that you can be. Such services do affect the way the blind live. Individuals can afford to do many more things with a well-paying job than they can ever hope to obtain on social security disability income.

Additionally, within the Bureau of Blind Services there is a need for more rehabilitation teachers and more counselors. There is a particularly acute need for placement specialists who just work on behalf of blind people. If a blind person learns the basic skills that are needed, learns how to walk, how to talk, with a good educational background, learns good daily living skills, and has been trained properly—which comes primarily from an agency offering disability-specific services—that individual can succeed. With the high rate of unemployment among the blind, certainly more help is needed, as there are many barriers to employment for the blind and visually impaired. One important barrier is employer attitudes. Sometimes in corporations, corporate leaders support hiring the blind, but when the blind gets into the job and the person immediately supervising the person was not consulted about this and does not feel a part of this effort, it can make for a very difficult working condition.

Services to Children and the Elderly

Service providers have been giving children tape recorders and computers, and maybe a smattering of Braille. These children need to have a concentration in Braille. Being without Braille to the blind person is like taking paper and pencil away from sighted people. When you don't have that, all of the machines in the world aren't going to help you. Again, working with a knowledgeable blind community and Braille is essential.

Inclusionists who advocate that the Individuals with Disabilities Education Act should be all inclusive are right. However, for the children going to public school, they need to have the proper support services. If they do not have that, then inclusion is not a good thing, and until and unless there are those services, inclusion is not going to work. There are many children out in the public school system here in Chicago that are not getting Braille or not getting enough of it. There are many teachers who know Braille... but not many teachers who know how to teach Braille. These are two separate things.

The elderly who are blind and visually impaired are often neglected when it comes to public services. The Rehabilitation Act concentrates primarily on employment outcomes. But with macular degenerative retina pigmentosis and similar diseases, many more people are coming into the elderly blind program every year, and there is not much money to do anything for them. The appropriations this year is only asking for $1 million for the elderly blind programs. These people are getting lost in the shuffle. The State rehabilitation agencies for the blind are having to have to find money from other places in order to give the elderly people the services they need.

Computer Technology

Computers have allowed many blind persons to live fine lives, do things, and go places. Now that may be taken away from people. Developers of computer systems should have consulted with knowledgeable blind people and with vendors who do screen reading technology, and that just wasn't done. Now blind people all over this country are losing their jobs, and it will be difficult for them to find another one. There is a desperate need for the large computer companies to work with the visually impaired community in order to make things accessible in the future.

The use of computers is an essential skill that almost everyone, every adult must have today. Computer technology is constantly changing and making greater opportunities available for everyone except those who are blind or visually impaired. The blind and visually impaired community continues to lag behind mainstream computer users in what hardware and special software we can use, and are therefore not nearly as

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productive as sighted people who have comparable qualifications. Blind people cannot use the applications that both public and private sector employers are using to get their work done.

Why do blind and visually impaired people lag behind? This is due in large part to the failure of computer manufacturers to provide little more than lipservice to making their operating systems and application software accessible. What can be done to help solve this problem? Both Federal and State Government agencies across the Nation must make it clear to manufacturers that they will not purchase software from them until it is fully accessible to all blind and visually impaired people. This means computer systems must work with large print magnification, speech output, and in-front output equipment. Private sector employers must be encouraged to take similar actions. If no action is taken, blind and visually impaired people will continue to lose jobs. How ironic it is that the computers, which opened up vast new opportunities for the blind and visually impaired community, now could take them away if something is not done.

ATM Technology

Another specific technology that needs to be addressed is access to automatic teller machines. Everybody thinks that if you put Braille on the keys of the ATM machine, then blind people can use it. Wrong. The people who think that way and who designed the Braille on the keyboard never thought to ask the blind how they were going to *read the screen*, which is what tells the individual everything about the transaction.

What is needed are requirements for manufacturers of ATM machines to build in access to the screen of the ATM machine, either through speech interface or through Braille display. There are privacy issues, but those can be easily addressed. Suffice it to say that there are ways with smart card technology in which one can encode the card to do voice only, and this comes on when a particular card is inserted into the machine. Or, there can be a headphone, and the blind person plugs into the machine. These are the kinds of things that need to happen. The Braille on the keyboard is very nice, but if a person cannot read the screen, the ATM machine cannot be used.

Transportation

Transportation is a worrisome issue for the blind. For example, meetings for the blind and visually impaired usually are held in either Springfield or in Chicago, because so many of the other towns are so difficult to get to. It is particularly difficult for people in southern Illinois. They do not seem to have any train transportation at all...and very little bus transportation either. Transportation is a real problem and something that really does need to be addressed.

It will make no difference, however, what is done to make technology on the job more accessible if blind or visually impaired people can't get to the job. Over the years, we have seen an erosion in Federal and State Government support for mass transit. The Chicago Transit Authority just completed the third in a series of devastating service cuts. Also, jobs are moving out of major cities where public transit has always been more plentiful and then into the suburban areas where everyone has two cars and public transit is almost nonexistent. As goes public transit, so go the opportunity for blind and visually impaired people to work.

Lack of access to transportation also causes the blind and visually impaired people to lose flexibility in where they can live, go to school, or access community activities. In today's fast-paced jobs, employers want people who have the flexibility to work late on occasion. They do not want to hear that someone can not work late like the rest of the team because of their need to go home at 5 o'clock since that is when the only bus that serves the worksite goes to the train station. Travel restrictions similarly inhibit the blind and visually impaired from taking classes after work to enhance their skills, something many employers all but demand today. And it all but prevents them from participating in lunch outings, team-building activities, and after work get-togethers, all of which build camaraderie at work with colleagues. Because of this, blind and visually impaired people are shut out from opportunities to network and engage in office conversation.

There must be more public transit service, not less. Special incentives should be given to agencies to provide all-day fixed route transit to areas traditionally underserved by mass transit such as the suburbs. Also, lobbying for more funding for highways must be encouraged to work more closely with advocates for mass transit.

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Committee for Justice for the Visually Impaired

Jonathon Butler[4]

Transportation is a form of independence, and the Committee for Justice for the Visually Impaired concentrates its efforts on ensuring that equitable, affordable, and available transportation is available to the blind and visually impaired citizenry in Illinois. There exists in the Chicago metropolitan area an adjunct to the transportation system called the paratransit system. This system is federally funded and designed so that individuals who are blind and cannot ride the main lines can have access to an affordable public transportation service.

The Committee for Justice for the Visually Impaired goes to the different transportation organizations in the area, i.e., RTA, CTA, Pace and Metra, and advises them on ways to better meet the needs of the riders who are disabled who are passengers. This is ongoing because there are problems that always arise, no matter what is being done or what efforts are implemented to provide transportation services for the disabled.

As a result of the provision of these public transportation services to the blind and visually impaired, people who formerly were at home can now go to jobs, can go to school, obtain vocational rehabilitation training, visit their friends, and do many of the things sighted people take for granted.

One of the obstacles being addressed is certification, or the qualification, to be eligible for the paratransit service. In most instances and for most travelers, one can go and catch the Pace or CTA bus by standing at the bus stop and getting on the bus. The paratransit system comes to your door, picks you up, and takes you to where you have to go. Later it returns for you at a time you designate. For instance, in order to come to this conference, I had to have called yesterday morning at 5 a.m., requested the carrier to pick me up and bring me to this location, and then tell them the time to return. That is what the paratransit system is, because I, as a blind person, would not have been able to do this on the regular bus schedule. The paratransit service allows the blind person to get where he or she has to go, though the service is limited and sometimes the destination places are restricted to medical service delivery points.

Sighted people may come to a conference such as this of the Illinois Advisory Committee and when it ends leave by catching a train or getting in a car to go home or do something. But if sighted people would just step back and try and imagine getting about without sight, things taken for granted such as going to work or going to the doctor. How does one get there if he or she cannot see and has to get there on their own? These issues face the blind daily. Being able to get out of the house and on your own without someone to help you has a way of changing one's life from dependency to independence. Because a blind person may have lost one physical attribute, i.e., sight, does not mean that it should cause the loss of everything else. Accessible transportation is a form of regaining access to society and essential to the mental well-being of the blind community. Public transportation systems that give special services to the blind and disabled community should continue to be funded, even in the wake of budget cuts everywhere.

[4] Statement by Jonathon Butler to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Jonathon Butler is president of the Committee for Justice for the Visually Impaired.

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Chapter 3

Service Providers to the Blind and Visually Impaired

The State of Illinois is one of 16 States that does not have a separate agency providing services to the blind. The primary service delivery agency in the State is the Bureau of Blind Services, an agency within the Illinois Department of Rehabilitation Services that is charged with providing vocational training for the blind and visually impaired. The Illinois Department of Rehabilitation Services is under the Illinois Department of Human Services, and its director reports to the Governor.

Similar to the director of Human Services, the Illinois Board of Education reports directly to the Governor. The Board of Education oversees public education programs for the blind and visually impaired. Also in the State, is the State of Illinois Blind Services Planning Council. Members of the council are appointed by the Governor and serve 4-year terms. Their advice, however, is limited to recommendations concerning the services provided by the Bureau of Blind Services. It is not a general advisory council on issues affecting the blind and visually impaired.

Several private agencies exist in the State and provide services to or for a clientele that is blind and visually impaired. The Chicago Lighthouse is the most comprehensive private rehabilitation and education agency in Illinois specifically serving people who are blind with vocational training, education, a vision clinic, and a store for the blind and visually impaired. Horizons for the Blind is a not-for-profit agency that works with companies and institutions to convert instruction packets, bills, newsletters, menus, exhibit displays, and other informational items into a medium accessible to the blind and visually impaired. Leonard & Young Communications does job readiness training for the blind and visually impaired, specifically assisting individuals affected by recent changes in Federal and State welfare laws. Representatives from the Chicago Lighthouse, Horizons for the Blind, and Leonard & Young Communications made statements to the Advisory Committee.[1]

The Illinois Bureau of Blind Services

Glen Crawford[2]

Organization of the Bureau of Blind Services

The Illinois Bureau of Blind Services has followed the trend of some other States and consolidated many programs under one department. In Illinois the Bureau of Blind Services has been affected by such a consolidation. Illinois has a Department of Human Services, within which is the Office of Rehabilitation Services. The Bureau of Blind Services, once separate, is now within the Office of Rehabilitation Services.

All of the Bureau of Blind Services' programs work with individuals who are older youth and adults. The Bureau of Blind Services does not have programs for children. One of the specialized programs is a vending position program. It is a specialized program originally set up by the Randolph-Shepard Act, and allows blind individuals and agencies for the blind to contract with the Federal Government and establish what was originally food service programs within those Federal programs. It has expanded beyond Federal buildings to State buildings and private industry. There are 145 of these businesses in Illinois.

Blind individuals frequently lose their sight in adulthood rather than being born blind. The bureau has a training facility center where the individual can go for a period of time to receive training in mobility, personal care for them-

[1] The Guild for the Blind was also invited to attend the conference, but declined to make a formal statement. The Guild for the Blind was active, however, in providing background assistance to the Advisory Committee on civil rights issues facing the blind and visually impaired in Illinois.

[2] Statement by Glen Crawford to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Glen Crawford is the director of the Illinois Bureau of Blind Services.

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selves, and daily living skills. After they return home, there are 20 rehab instructors across this State who continue to work with them.

The bureau's major task is not only to allow these individuals to live a more comfortable life in their community, but also to get these individuals into employment. This program works in conjunction with the vocational rehabilitation program. There are offices throughout the State of Illinois that provide many services, such as training programs, college education, or trade school. In addition, individuals may return back to the previous employment because of the services provided.

The Bureau of Blind Services receives referrals from many different organizations, individual groups, and families. When these are received, agency personnel go to the individual and see them in their home and work with them there. The agency tries to get them involved with the appropriate services, whether it is with our service or somebody else. Oftentimes the agency works in conjunction with another public or private service program.

There is a greater concentration of staff in the Chicago area than in other sections of the State, but on a per capita basis there is more staff in the southern part of the State than in the northern half of the State or the Chicago area. In addition, in terms of the number of individuals who are going into competitive employment and people provided services by the Blind Services Bureau, there is a higher per capita rate of service in the southern part of the State.

Employment is the biggest barrier for the individual who is blind. Though there have been a lot of changes in recent years, the commitment for equal employment opportunity is still not there. Five years ago a Gallup Poll asked individuals what disability and/or disease would they least like to have. The first disease and/or disability that people did not want was HIV or AIDS. The second was blindness. The third was heart disease. Blindness was more feared than heart disease and was a very close second to HIV. That speaks to the attitude of society. Employers are part of that society and are part of that attitude.

The Blind Services Bureau conducted a longevity study on those that had been employed, looking at employment retention rates. Overall, the retention rate in employment was really quite good. But it was troubling to find that the retention rate was higher for whites; it was 85 percent in the white population and 79 percent for minorities. The agency is studying that to determine if the disparity is a factor of the society or is a factor of the agency's services not being adequate for some groups of the population.

Services to the Older Blind Community

Recently the Bureau has expanded its services for the older blind individual. At present services for the older blind is a poorly funded program. This year at the national level, blind service agencies are requesting $52 million in Federal funding. Currently the national expenditure for such programs is $9 million for the entire Nation. The older blind population is the largest of the blind population, but it and the children's programs are the poorest funded.

In Illinois the Bureau of Blind Services has done a few things that have enabled the agency to put together a program for the older blind population. Working through the Social Security Administration, the bureau provides vocational rehabilitation services to individuals that are receiving social security disability insurance. If the Bureau is successful in securing employment for those individuals so that they no longer receive SSDI, the Federal Government reimburses the agency's expense. The money that is reimbursed does not have to be used for rehabilitation purposes. So the Bureau of Blind Services uses some of the reimbursement for the older blind program, thereby adding $900,000 to the $150,000 of State money for the elderly blind.

Statistics indicate that the United States will soon have a large increase in the aged blind. The Nation and Congress are unprepared for it. As the population ages, there will be an increase in blindness in this country. At one time diabetes was the leading cause of blindness. Today macular degeneration, which is associated with aging, is the leading cause, and it is a very rapidly increasing disability.

That is one reason why the Bureau of Blind Services started its program for the older blind. But there are few other such programs. Only two States, Illinois and Ohio, have even rudimentary programs; and nowhere near the scale that is necessary. Moreover, the program initiated in Illinois for the older blind, unless it expands, is not going to be enough to handle the future need.

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The blind population is aware of this problem and is lobbying Congress and their State legislators to obtain increased assistance to build these programs. That is why there is the request for $52 million from the current $9 million for older blind programs.

The Importance of Braille

Many overestimate the ability of technology to replace the need for Braille proficiency. There is a popular sentiment that with the technology currently available, material can be scanned into a computer and read back to the person with a visual impairment. Hence it seems the need for Braille proficiency is no longer a critical skill.

It does not work that way. What if a quick reference to something is needed? If the blind individual is proficient in Braille, the person can look it up and read very quickly in Braille. If one is constrained to only using a computer, the individual may sit for a long time trying to access the text that has the information.

Moreover, everything does not scan. If you get into charts, charts do not scan well. There are many other things that cannot be scanned to a computer. Still, many see this technology as the panacea that will replace Braille.

Technology is a long way from replacing Braille. People need to be aware of this. There is still a need for people who are blind to learn Braille.

Programs for Individuals Who are Deaf and Blind

Deaf-blind within Illinois is not part of the Bureau of Blind Services. In Illinois the Office of Rehabilitation Services works with the deaf-blind community in terms of vocational training. It is part of a general Federal program, and this is true in most States. In terms of education for deaf-blind persons, there are services through age 21, but that is true with blindness as well.

Still, even though the deaf-blind are not the Bureau of Blind Services' responsibility, nearly 50 percent of the deaf-blind community in the State of Illinois is served by the Bureau of Blind Services. If individuals who are deaf and blind are referred to the agency, the bureau will work with them since they have the blindness qualification.

In addition, within the State of Illinois there is the Department of Human Services, the department administratively controlling the Bureau of Blind Services, and other services are available to the deaf-blind community through those service programs.

The Chicago Lighthouse

James Kesteloot [3]

My name is James Kesteloot. I have been legally blind my entire life, over 50 years. Currently I am the executive director of The Chicago Lighthouse for People Who Are Blind or Visually Impaired.

The Chicago Lighthouse is a comprehensive service agency providing educational, clinical, and vocational programs to people who are blind and individuals who are blind with additional disabilities. Programs include an Early Intervention Program for infants and toddlers from birth to age 3, a State Board of Education-approved school program serving children who are blind with additional disabilities, a program for adults who are both deaf and blind, an adult living skills program for adults who are both blind and developmentally disabled, a low vision clinic, counseling, vocational evaluation, a job readiness and placement program, office skills training programs, an adaptive technology center, an industries program, a store providing adaptive devices for independent living, and other services.

The Lighthouse serves approximately 200 people per day, over 50 percent of whom have more than one disability. Over the past year, nearly 3,000 persons have received services at The Lighthouse, and over 13,000 have received information, referrals and community services. The Lighthouse has a staff of 115, of whom 35 to 40 percent are blind. They occupy jobs at all levels within the organization, including top management, program managers, teachers, teachers' assistants, accountants, clerical staff, building maintenance, and other positions. The Lighthouse has a governing board of directors of 25 community leaders, including 7 individuals who are blind and 3 with family members who are blind or visually impaired.

Employment opportunities continue to be a major issue facing people who are blind. Ask any person who is blind what they want or need, and

[3] Statement by James Kesteloot to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. James Kesteloot is the executive director of The Chicago Lighthouse.

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a job will be a top priority. The following are general civil rights issues facing people who are blind in Illinois and barriers to employment:

1. Attitudes of employers and the general public related to the nature of blindness; abilities of persons who are blind, and their employability remains a major cause of discrimination.

2. Disincentives to work are faced by persons who are blind and receive social security disability insurance (SSDI). Once an SSDI recipient earns one dollar over the allowed amount of $1,050 per month, the recipient faces losing all benefits. An incentive program to work should allow recipients to earn over $1,050 with some sort of shared benefit, such as retaining one dollar for every two dollars earned over the limit.

3. Manufacturing jobs have been decreasing and have been moving abroad to foreign countries. Industrial jobs suit a segment of the population both sighted and blind. Yet these kinds of jobs are becoming scarce, and as a result, there has been a reduction in job opportunities for many persons who are blind.

4. Keeping pace with computer technology and the specialized access technology needed by workers who are blind prevents or delays competitive employment for many people.

5. Funding for adequate job placement programs is needed. Funding the "real" costs of job placement programs should be the standard. If the funding does not cover costs, there is a disincentive for community agencies to initiate and maintain job placement programs. In Illinois, and probably in other States, the average cost of rehabilitating a "disabled" person is divided into the agency's grant amount. The product determines the number of people that must be placed to meet the contract obligation. Thus there is a disincentive to place persons who are severely disabled, since the "real" cost of working with this population is greater than the average cost. Easy cases receive services. In general, it costs more to place a person who is blind than the average individual who is disabled, and it certainly costs more to place an individual who is deaf-blind than a person who is blind.

6. Many people need assistance finding a job. A trained professional staff is needed to increase job placements. Southern Illinois University, several years ago, had its training program grant for job placement staff (specializing in blindness) terminated. These Federal funds should be reinstated.

7. Persons who are blind should have a choice in pursuing job opportunities. The reauthorization of the Rehabilitation Act emphasizes that individuals who are disabled should have a choice in pursuing training and placement opportunities. At the same time, it states that persons who are disabled cannot choose to work in certain environments, even though those excluded environments are funded and sponsored by other acts of Congress. Currently a placement is valid and countable only when the disabled person is placed in an employment setting where the majority of the human contact is with coworkers who are nondisabled people. This is true even when the wages exceed minimum wages and regardless of benefits provided. Yet nondisabled people are considered employed on "real" jobs when they work with the majority of workers who are blind or disabled. The Javits-Wagner-O'Day (JWOD) Act and the Rehabilitation Act as amended are in conflict and contradictory on this matter.

8. The State of Illinois should have a stronger State Use Act. Many agencies serving persons who are blind supply products to the Federal Government through JWOD. More jobs would be available if the State had a strong similar law. Products purchased by the State and made by persons who are disabled would create jobs. Any State use legislation should encourage, allow, or mandate that any government entity within the State (city, county, library, school districts, etc.) can purchase such products at the State-approved contract price without having to obtain any further bids.

9. The State should maintain a strong affirmative action act, ensuring focus on the importance of hiring people with disabilities, especially within the State and with State contractors.

10. There is a need to improve educational services for people who are blind in the areas of Braille literacy, mobility, computer technology and training, and other academics that promote independent living. A stronger vocational component in high schools that assists students with visual impairments to transition to the work force is necessary.

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Horizons for the Blind

Camille Cafferelli and Frank Zaccagnini[4]

One of the things we as citizens think about in terms of our country is the rights that are enumerated in the Declaration of Independence: the inalienable right to life, liberty, and the pursuit of happiness. I intend to focus on the second of those rights: liberty or freedom.

The words liberty and freedom are used loosely, but there are many freedoms for people who are blind and visually impaired which are not as free as they should be. One of those freedoms deals with finances, the freedom of executing your own finances. As close as one might be to friends or relatives, most people do not divulge all of their finances because that is a private matter. Unfortunately, people who are blind or visually impaired have not been afforded this freedom.

Horizons works with banks, utility companies, and other commercial interests to provide an addition or a supplement to the statement, allowing a blind person the opportunity to read that bill and do that without having to have another person who can read that information for them. If one has a savings or a checking account, he or she does not want to share that information with other people. It is important as we move ahead in our rights of freedom to remember that there are many blind and visually impaired people who are poor and who do not have the kind of technology that a lot of us might be fortunate enough to have. That should not mean that these people still should not be afforded these rights of freedom.

Another often abridged right is the ability to use public facilities, such as restaurants and hotels. If a blind person goes to a restaurant that does not have menus which can be read by the blind person, he or she does not know what he or she is paying for lunch. The problem is compounded if the blind person is taking a business client to dinner; he or she does not want to act cheap, but also wants to know if he or she can cover the person's meal. In hotels, if there is no raised print and no Braille on the doors, i.e., room numbers are totally flat, a blind person has an extremely difficult time locating his/her room. When blind people go to restaurants, hotels, or other public establishments, part of their dollars pay for the printed material, so it should also be able to pay for material in an alternative format.

Another freedom the blind should have is the freedom to use or purchase food or medications. There is potential danger in the drug industry. Over-the-counter drugs have side effects printed in a form the blind cannot read.

Most modern appliances and apparatuses come with standard print and touch panels, so it is getting harder for persons who are blind to understand them. Another freedom often lost to the blind is access to phones, particularly cellular phones. This is a case where truly accessibility is not accessible for people who are blind or visually impaired, but it works better for everyone else. If there were more audio cues on the display, then not only is the product accessible to those who are blind, but it also works better for everyone else too.

Regarding television, many of the cable boxes now are devised so that there are as many as 500 channels. Soon these boxes are going to work digitally, i.e., the display on them is going to be totally visual. Furthermore, the issue of descriptive video and audio description is important. More and more of the television medium is visual, so the blind person does not know what is happening. The preview channel has absolutely no value to anyone who is blind or visually impaired because it is all visual.

Another issue related to freedom is the freedom to be able to come and go as you please, i.e., the transportation issue. This is a vital topic for those who do not drive. Regarding the vast array of cultural and recreational activities that this country affords to its citizens, how accessible are these activities to the blind and visually impaired when exhibits are behind glass or in cages or when material is strictly visual in nature?

The final pressing freedom is the freedom to be employed so that a person can make his or her own money and spend it the way he or she wants to. That is the greatest freedom the blind need to have for their well-being. Horizon has addressed this issue in two ways. First, wherever possible Horizons hires qualified blind or visually impaired people to do the access prob-

[4] Statement by Camille Cafferelli and Frank Zaccagnini to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Camille Cafferelli is founder and president of Horizons for the Blind. Frank Zaccagnini is marketing director for Horizons for the Blind.

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lem that is being provided. Second, Horizons provides blind individuals the information they need and in a form they can use quickly to do their job..

Freedom includes accessibility: attitudinal, architectural, and programmatic. The architectural is the one-time physical change or modification, e.g., a ramp. It is important and needs to be done, but Horizons normally works in the attitudinal or programmatic accessibility field, and this effort needs to be ongoing. Material needs to be updated for the blind and visually impaired consuming public. If a person is blind or visually impaired, they cannot simply walk into a craft and pay for a pattern to make something. They have to get it in a form that they can read. Because of the cost of transcribing such information along with the computers and the synthesizers and the 100 pound weight paper, it becomes more expensive than just printing a standard print format. Some form of subsidizing of these kinds of costs should be considered so that the blind and visually impaired community and the business community do not incur all the costs of these kinds of things. This would allow the freedoms enjoyed by the sighted community to begin to be enjoyed by the blind and visually impaired.

Leonard & Young Communications

Beatrice Leonard [5]

Many times people speak and act on behalf of the blind and visually impaired without completely knowing or understanding the situation and concerns of the blind and visually impaired. This often occurs because the blind and visually impaired are not taken seriously, either with respect to their ability to independently advocate and express their goals and needs or as a group worthy of respect from the sighted community.

To some extent, this flows from the perception the public has of the blind and visually impaired as presented by the media. Although the portrayal of the blind and visually impaired by the media has improved in recent years, still the portrayal of the blind and the visually impaired in the media is predominantly negative, and the general society and employers see this portrayal as accurate and true.

Employment discrimination against the blind and visually impaired is still prevalent. Barriers to equal employment opportunity are very real. The discrimination of today, however, in contrast to that of the past, is more subtle and less overt. There is a need for diversity training in terms of instructing employers about the blind and visually impaired. It is not that persons who are blind and visually impaired are without problems, but because society is so sight-centered many employers do not understand how a blind person could do the job. As a result, barriers are established preventing the blind and visually impaired from functioning in anything but the most menial tasks.

This is even more disheartening in the present economic boom time. Even though the employment outlook is so promising for so many individuals, it is bleak for the blind and visually impaired. Moreover, it is bleakest for the blind and visually impaired. Individuals confined to wheelchairs will be employed before the blind due to the sight bias of society.

The unemployment rate for the blind and visually impaired is 70 percent. The unemployment rate for minorities who are blind and visually impaired is even higher. To address this particular problem, a focus of Leonard & Young Communications is outreach to the Latino and African American blind and visually impaired community. Most Latino and African American blind and visually impaired persons do not seek employment because they have been discouraged about their prospects. Many would just rather collect welfare payments than undergo the disheartening prospect of doing an endless and futile job search.

Moreover, the present system discourages the blind from working. Though disability payments vary according to the disability, the average payment is $600 a month. If an individual earns more than $1,050 a month, the disability payment is zero.

In this regard, the success of the State of Illinois regarding the blind and visually impaired is mixed. Under the new welfare regulations, the State wants individuals enrolled in vocational rehabilitation programs to be in school or employed within 6 months of the person entering the program. Many in the blind and visually impaired community are not able to meet that

[5] Statement by Beatrice Leonard to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Beatrice Leonard is president of Leonard & Young Communications.

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standard. The State should be more reasonable and accommodating to the blind in implementing the vocational rehabilitation program.

The most crucial element for the success of a blind or visually impaired person receiving service from the Bureau of Blind Services is the counselor. If that person is knowledgeable and committed, then the blind and visually impaired person receives excellent service. When that is not the case, the blind and visually impaired person falls through the cracks in the system and loses the opportunity for self-reliance and independence that should be afforded to everyone. In addition to individual counseling by the Bureau of Blind Services, the agency needs to provide some type of support group for people who are losing or who have just lost their sight. This is a traumatic experience for most individuals, and dealing with the trauma of the loss of sight is often ignored by service providers.

The following are general civil rights issues facing people who are blind in Illinois and barriers to employment:

1. Affirmative action is required of all Federal contractors in the employment of the disabled. Its enforcement with respect to the blind and visually impaired as well as others with disabilities needs more emphasis.

2. Federal and State governments should give incentives to employers who hire the disabled. In the early 1970s such incentives existed in the form of tax credits. Such ideas and policies need to be reintroduced.

3. Blindness and visual impairment is a unique disability based on this being such a sight-centered society. Government service provision to the blind and visually impaired needs to be implemented by an agency devoted exclusively to the blind and visually impaired.

4. Manufacturers need to make the effort to make their products accessible to the blind and visually impaired. This applies not only to computer manufacturers, but also to the producers of consumer and business appliances.

5. Advisory committees for the blind and visually impaired should not be exclusively composed of blind "superstars," e.g., Stevie Wonders. Instead, such committees and panels need to include an array of blind and visually impaired individuals, particularly individuals immersed in the day-to-day struggle to be independent and productive.

6. Senators, Congressmen, Governors, and other elected officials should have blind persons on their staffs.

7. Too much isolation for the blind and visually impaired becomes a security blanket for these individuals that ultimately retards their ability to be independent and productive. Programs providing services to the blind and visually impaired, whether they are job training, education, or independent living, need to regularly mainstream the blind and visually impaired with the sighted community as part of the program.

Illinois Blind Services Planning Council

Edwin Zebelski [6]

Five years ago, according to a Gallup Poll, the American public's fear of becoming blind was second only to contracting AIDS. Most people cannot conceive of having a visual impairment themselves and having to adjust to that blindness in working, traveling, or being happy as a blind person. Consequently, they project those insecurities on the blind person with whom they interact. They become judgmental and are reluctant to accept the blind individual as an employee, coworker, peer, or life mate.

Blind stereotypes abound and barriers exist for people with blindness. Employers, landlords, and government agencies look for ways to avoid dealing with the blind and visually impaired, thus discriminating. Many times the barriers that exist are very subtle.

To the sighted public I ask: What are your experiences with the blind and visually impaired? What preconceived ideas do you have of people who are blind? Can you focus on their abilities and blackout their obvious disability? Would you employ or rent an apartment to a blind or visually impaired person? Befriend a blind or visually impaired individual? What if your son or daughter married a blind person?

Negative attitudes are the most pervasive barrier to equal opportunity facing the blind and visually impaired population.

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[6] Statement by Edwin Zebelski to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Edwin Zebelski is chair of the Blind Services Planning Council of the State of Illinois.

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During the last 4 years as a member, and now chair, of the Blind Services Planning Council for the State of Illinois, I have pushed to expand the influence of the council. Advances come hard.

I believe the Illinois Bureau of Blind Services should become the repository agency of expertise to all of State government. The Bureau of Blind Services is a State-created agency that presently administers rehabilitation services. So, in my opinion, that bureau should become a repository of expertise for all State government agencies, including State human service and education agencies. Specialized services for the blind and visually impaired must be integrated. Too often, many program designers for the blind and visually impaired are generalists and design programs towards the largest number of end users in the most cost-efficient way.

The Need for a Separate Service Provider

If I were the designer of the State's service delivery program for the blind and visually impaired, here is what I would do. First, I would establish the disabilities-specific service delivery system for the blind, administered by a separate and identifiable agency recognized by government itself as the repository of expertise. It would be staffed by personnel qualified and experienced to work with visually impaired toddlers, adults, children, and seniors. Continual specialized services are essential in designing programs to enhance the productivity and independence of people who are blind and visually impaired.

In an age of cost cutting and budget slashing, blind and visually impaired people are increasingly concerned that services that best serve their needs will be eliminated, and that the only option will be a large, all-purpose disability health service organization where many times the blind fall through the cracks. For example, in the Manpower Redevelopment Act, the educational philosophy of full inclusion and the bottom line mentality of the government have threatened the viability of specializing programs.

Shockingly, the National Council on Disability, in its May 18, 1997, report, issued a policy statement recommending that the United States Congress eliminate vocational rehabilitation grants to State agencies that only serve people with visual impairments, and that independent living service programs for senior blind customers be replaced with programs serving persons with cross disabilities.

Early Intervention Programs

My proposed system would begin at birth, or at the inception of blindness, and terminate at death. It would be a continuing stream of supportive services administered by a disability-specific expert familiar with the full continuum of vocational and rehabilitative services offered to the blind or visually impaired. Service providers would partner with educators and other existing service providers. This specialized service delivery system of partnering rehabilitation with other agencies would be a departure from the mega-agency generalist approach.

Currently the Illinois versions of disability programs is being criticized by the blind and visually impaired. They are also under attack by the Federal Government and local court systems. Recently the State Board of Education was sued over refusing to provide early intervention services to the categorically eligible babies. Last fall this State was further cited by the Federal Government regarding early intervention programs.

The main issue is that Illinois only provides early intervention services to the at-risk children. The State maintained that it would not provide services to anyone not determined to be developmentally delayed.

Recently the Chicago Board of Education was found to warehouse many of its disabled students. As an example, last year frustrated parents of a blind girl enrolled in an educational preschool program sought my advice regarding educational options. The girl, who is blind and with no other disabilities, was being educated in a self-contained classroom with several mentally challenged students and a deaf girl. Many times the homework assignments involved learning sign language.

The importance of this example is that visual impairments change the way children and adults obtain information about the world in which they grow and function. This means that in addition to their regular classroom studies, children who are blind or visually impaired need to learn specialized skills from disability-specific experts who is trained to teach these skills.

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Specialized Skills of the Blind/Visually Impaired

Specialized skills of the blind and visually impaired must include: access to technology; computer proficiency; adaptation of telecommunication equipment and software adapted for the blind; literacy, and reading and writing with Braille; use of large print and optical devices or range finding for the effective use of available visual products; safe and independent mobility skills, using specific orientation mobility techniques, long canes, or other mobility tools; and social interaction skills. There are also personnel management and independent living skills, learning specialized technology, personal grooming, food preparation, and money management. The current school system fails at every one of those.

In the United States today there are approximately 4 million working-aged adults who report some form of uncorrectable vision. Among those working-aged adults who are totally blind or who have severe visual impairment, 74 percent are not employed.

Specialized services that provide specific employment-related skills make a critical difference in the blind or visually impaired adult to create success for jobs, maintain employment, and advance in the workplace.

One in 6, over 4.9 million Americans age 65 or older, are blind or severely visually impaired. The blind and visually impaired population is expected to more than double in the next 30 years as the last generation of baby boomers reach age 65. Each year only a fraction of those older adults experiencing age-related vision loss receive the vision-related rehabilitation services for which they are eligible.

Enforcement of Civil Rights Laws

Once the blind and visually impaired are finally liberated from government service provider programs, i.e., the blind person has been fully prepared for employment and independent living, there still exists discrimination. Hence the blind and the visually impaired person still needs effective and aggressive enforcement of the existing civil rights legislation and statutes. Programs run by generalist disability agencies are sometimes the most insensitive.

I will conclude by reflecting on a song written by Neil Diamond. The song's name is "Coming to America," and it talks about the opportunity of the immigrants that came to America. It talked about how the difficulties in the past were going to be forgotten and the opportunities in the promised land would be offered. So, the real question is, "Where is America for the blind?"

Chapter 4

Advocacy Groups and Individuals for the Blind and Visually Impaired

Individuals and organizations advocating for the blind and visually impaired testified to the Advisory Committee. Illinois Parents of the Visually Impaired and Parents of Blind Children, two organizations concerned with the education of blind and visually impaired children, testified before the Committee. A representative from a center for independent living and another representative from a blind services association spoke to the Committee about practical accommodations that would allow people who are blind or visually impaired to fully participate in their community. The Committee also received statements from persons who are blind and currently employed by Federal and State government agencies, the agencies being: the Illinois Department of Human Services, the Social Security Administration, and the Internal Revenue Service.

Illinois Parents of the Visually Impaired

Lyle Stauder and Victoria Juskie [1]

Members of the organization, Illinois Parents of the Visually Impaired (IPVI), have school-age children who have visual impairment. Illinois Parents of the Visually Impaired is a not-for-profit organization founded in 1986, and is a charter member of the National Association of Parents of the Visually Impaired, which is a national organization.

IPVI assists in creating a climate of opportunity for blind or visually impaired (VI) children and youth in the home, school, and society. IPVI fosters communication and coordination between Federal, State, and local agencies and organizations involved with providing services to the VI and advocates on a state-wide level for services to VI children and their families. IPVI keeps its members informed on current proposals and actions which impact VI children and provides materials about this organization to professionals so as to encourage them to share this information with their clients. The organization believes that with good transition services available to visually impaired and blind students, these individuals can be and will be successful in living skills and work throughout their lives.

John Dewey, the philosopher and educator, wrote: "To find out what one is fitted to do and to secure an opportunity to do it is the key to happiness." The blind and visually impaired young people wish to live full and successful lives, and with proper transition programs, many can.

Because blindness or visual impairment is the lowest of the "low incidence" handicaps, it is necessary for us to protect the rights of this smallest minority. Also note, according to a Prevent Blindness America report, by the year 2030 twice as many people will be blind as are today.

It is important to understand that visually impaired does not mean learning disabled. Provided the right medium, blind and visually impaired students can successfully compete against sighted students in the academic and adaptive vocational areas. Too many well-intentioned people underestimate the abilities of blind or visually impaired children. Harm occurs when "aids" do more for the child than make sure one can see the assignment, thereby making the child more dependent and robbing of self-confidence.

Another unique quality of this minority student population is that blind and visually impaired children usually do not have blind and visually impaired parents, so parents need training and support as well as the children, even though the parents/ caregivers are the resident "experts" on the abilities of their children.

According to a study conducted under the direction of the Illinois Department of Human

[1] Statement by Lyle Stauder and Victoria Juskie to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Lyle Stauder is president of the Illinois Parents of the Visually Impaired; Victoria Juskie is regional vice president of the organization.

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Services, there are currently 2,254 blind or visually impaired youth identified within the State of Illinois in need of transition services.

Currently transition services for students who are blind or visually impaired entering vocational rehabilitation services and employment are virtually non existent in the State of Illinois.

At present vocational rehabilitation services for youth who are blind or visually impaired graduating from high school are greatly delayed because of the lack of a formal transition program continuing all through high school. It is important that vocational rehabilitation services begin earlier during high school to avoid delays in receipt of such services after school and in achieving self-reliance. It is necessary for the blind or visually impaired youth and their family to explore career paths long before graduation. States such as Oregon, Florida, Indiana, and Texas have in place successful transition programs which result in better services, jobs, knowledgeable self-advocates, and achievement of competitive outcomes. These programs should be reviewed and considered with the best points adopted so as to avoid beginning from ground zero. The better we assist the blind and visually impaired in transitioning to productive members of society, the better society becomes.

Important issues that a poll of IPVI parents has brought to light are:

1. There are too few trained visual itinerant teachers to service the blind and VI population. There are no backup substitute teachers in place for when the regular vision teachers are absent. This absenteeism causes delays in a VI student's course activities. Additionally, when mainstreaming VI children, all of his or her teachers should be trained on issues involving adapting the classroom information so the VI student can take equal part. Again, being visually impaired is not learning impaired. Simple adaptations of material can make a significant impact on VI students.

2. Getting proper Braille instruction is imperative. Some of the vision teachers are not trained as well in Braille as they should be.

3. There is a lack of sufficient numbers of color closed circuit TVs (CCTVs) or computers to meet the needs of all the VI students simultaneously in a particular school. These CCTVs should be in a resource room adapted to assist the VI children. Also, personal computers (PC) hold the key to helping VI children. Once text is in the PC, it can be enlarged by a word processor, read by a text-to-speech program, or punched out by a Braille printer. For example, certain sites on the Internet, like the Gutenberg Project, have hundreds of classic books free to download. It would be great if all published text was available in flat files with no formatting commands required for downloading by VI people. Copyright issues could be satisfied. This would make the material accessible to a blind person with a PC. Braille readers could produce their own copies at a fraction of the $3 per page cost that American Printing House charges. Just imagine how much the story *Moby Dick* would cost at that rate. This is certainly not equal access to written material. On-loan CCTVs for home use for homework should also be provided. The schools should make CCTVs available for the students to bring home to use for their homework.

4. Sufficient working-order tape recorders for blind and VI children with which to take notes would be very helpful.

5. Obtaining the correct text in either enlarged print or Braille for a student's assignments in the *proper* timeframe for a VI student to compete academically is needed.

6. Poor mobility accessibility due to lack of qualified teachers presents a great challenge.

7. Lack of coordination of services to the blind and VI through the school and public assistance programs causes problems.

8. Many times individual education plans (IEPs) are not set up at a timeframe to include all individuals present that should be, so this negatively impacts a child's progress. Additionally, integrating the parents into the education of their blind and VI children is important. Sometimes core classes such as math, English, or social studies are eliminated so the child can go to a "skills" class. These eliminations are sometimes done without informing the parents. We feel it is far better to eliminate a study hall, art, physical education, shop, or music class before a core class. If this was communicated to the parents in a timely fashion, a better education plan could be implemented, as the parents are the most knowledgeable in dealing with their VI child. Also, monitoring progress of a blind/VI child should occur on a monthly basis in order to prevent the child from getting too far behind.

9. In order to facilitate learning and transitions, early childhood classroom adaptations with qualified teachers is a must.

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10. Professionals who specialize in handicap services should be required to take courses which improve their—for lack of a better word—"bed-side" manners. Having a degree does not make one an expert on any one particular child. The child's parents and caregivers are the ones most experienced with the child, and their input is crucial in a successful transition program.

Successful transition programs involve a commitment from the community as well. Many school-to-work transition programs such as "Bridges" that have strong education, training, and support components achieve successful employment for young people with disabilities.

Our children want and deserve to have their civil rights protected. As Americans who hold the belief that our society can provide its citizens with opportunities to pursue happiness—which is clearly spelled out as one of our unalienable rights set down by Thomas Jefferson in the Declaration of Independence—we implore you to maintain the civil rights of the blind and visually impaired and require mandatory transition programs be available to them.

Parents of Blind Children

Debbie Stein and Patty Gregory [2]

Blind children in Illinois face two distinct forms of civil rights violations. First, these children often encounter overt discrimination that bars them from participation in programs and denies them access to a public accommodation. Second, blind children are excluded from equal opportunity in education, a form of discriminatory treatment to which these children would not be subjected if they were fully sighted. Another glaring example of civil rights violation often encountered in Illinois is commercial day care. Many day care facilities have a policy not to accept blind children, a stated policy where they will tell parents that children who are blind are not accepted. As a result, working parents of blind children often have severe problems finding adequate child care.

[2] Statement by Debbie Stein and Patty Gregory to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Debbie Stein is a board member of the Illinois Parents of Blind Children, a division of the National Federation of the Blind; Patty Gregory is a member of Illinois Parents of Blind Children.

Education in the Least Restrictive Environment

Under Federal law, blind children are guaranteed an education in the least restrictive setting possible. This is usually understood to mean that blind children are to be integrated as fully as possible into the regular classroom unless there is clearly a reason for a child to be in a more specialized program.

In many Illinois school districts blind children are automatically retained in resource rooms. Ideally, resource rooms should be just what the name implies, a place where blind children can avail themselves of special resources on an as- needed basis as the child learns Braille, typing, and some other skills. Then the resource room should gradually be phased out of his or her educational plan.

Unfortunately, many school districts are holding blind students in the resource room setting; it becomes the child's home base. The resource room becomes the place where she or he spends most of the day, and the result is that blind children are isolated and stigmatized. They are not treated as full members of the school community.

Braille Instruction

Illinois State law and sections of the Federal education legislation ensure that blind children will not be denied training in the use of Braille. Nevertheless, many blind children in Illinois receive little or no Braille instruction. Children with some remaining sight, no matter how little sight, are urged to use print exclusively. By 4th or 5th grade, as the reading load increases, these legally blind children are struggling desperately to keep up with their classmates. The signs of frustration and failure that result can be severely damaging to these children. Even if the child is clearly unable to survive as a print reader, teachers are often reluctant to consider Braille instead. Parents are told that the child can get by with books on tape. Recorded materials are certainly an invaluable tool for people who are blind, and blind children need to learn to use recorded materials effectively, but tapes have various limitations. Imagine that this Committee is making a record of these proceedings and that the record would be available only on audio cassette. Imagine a congressional intern trying to research today's record purely by working the fast-forward and rewind buttons on a tape recorder. Imagine further that this intern

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is only able to synthesize the results of his work by making another oral report on yet another tape. Picture Members of the Congress reviewing that taped report in order to create legislation. Sighted persons would not find such a system acceptable, yet that is the system which blind children are being taught to use by well-meaning or uninformed teachers.

Some children in Illinois are successfully taught both print and Braille. These fortunate few have the option of using whichever reading method is going to serve them best in a particular situation. This double media approach should be practiced much more widely than it is because it is proving very successful for the children who have it. For people who are blind, Braille provides the same advantages that sighted children get from print. It is a direct hands-on method for gaining access to information. It enables blind students to learn proper spelling and punctuation, to get a special sense of how mathematical problems are arranged, and to take notes from lectures or tapes.

So why are teachers so reluctant to teach it? For one thing, their own knowledge of the Braille code is often weak due to their own poor training in special education training programs. Many teachers do not really believe that Braille is an efficient reading method. As an end result, blind children are finishing school without being fluent in either Braille or print. They are, in effect, illiterate. In many other areas children are cut off from the opportunity and experiences that sighted children take for granted. When the child is lucky enough to learn Braille and to have a supply of Braille books, those books rarely, if ever, have raised pictures, maps, or diagrams. Sighted children learn a great deal about the world by visiting museums, but most museums are behind glass or chains; they're totally off limits to blind children.

Computer Literacy

Computer literacy is another crucial area in which blind children are often excluded. A wide array of adaptive technology is available to blind people, yet school districts in Illinois are often unwilling or unable to purchase these costly devices. As a result, few blind students can access the computers that their sighted classmates are using. This is an increasing problem, since more schools are beginning to use computer rooms and computer programs to teach general subjects, such as geography, history, math, and so forth. So computer access is important throughout the school curriculum.

In addition to the full range of academic subjects, blind children need training in the alternative techniques of blindness. They need to learn how to travel independently with a long white cane. They need to learn effective methods of cooking, cleaning, sweeping, doing home repairs and often the best people to teach such techniques are blind adults, people who use these skills everyday. Illinois will not certify blind people to work in the field of orientation and mobility, that is to teach cane travel. In addition, few vision teachers make any effort to be blind mentors for their pupils; thus the blind child often grows up in the complete absence of blind role models. Neither the child nor the parents have a chance to develop healthy positive attitudes about blindness and to learn the full range of possibilities for the future.

Here are recommendations for things that can be done to improve the lives of blind children. Families need a greater range of resources. Additionally, families with a blind child need to have a greater awareness of their rights under the law to help them fight direct discrimination, such as in the case of day care centers that refuse to enroll blind children.

A Braille bill with some enforcement provisions is needed in Illinois. It is not uncommon to encounter teachers who are not teaching Braille to blind children, though such instruction is required several times a week as part of the student's independent education plan (IEP). Yet there are teachers who ignore the IEP and refuse to provide Braille training to the child. There need to be some enforceable sanctions available for the parents to take in such cases.

With regard to the education system, teacher training programs should be improved so that their graduates are truly prepared to teach Braille. Teachers and student teachers should be strongly encouraged to network with blind adults, using them as a resource. Blind people should have the right to become certified as teachers of cane travel. Overall, schools and other programs should make a real effort to provide blind children with the same experiences as they offer to sighted children. Blind students should have the opportunity to benefit from all classroom activities, including laboratory experiments, art classes, physical education, mu-

sic, and computer work. If an activity is strictly visual, then the teachers should find ways for the blind child to have a comfortable experience through hearing and touching. This commitment to equality means that blind children should be allowed the fullest possible participation in at least certain drama days, service clubs, and other activities, whether those activities are sponsored by the school or by outside organizations. In order for such a commitment to be deep and lasting, it must have a strong philosophical foundation. It must be based on the belief that getting by is never enough. Blind children deserve the same opportunities that sighted children are given. Investing in blind children is investing in the future.

DuPage County Center for Independent Living

Mary Cozy[3]

I am a person with a visual impairment, and I serve a lot of consumers who are blind or visually impaired. The issues addressed in this statement are with regard to public accommodations, specifically the need for public accommodations for people who are blind or visually impaired.

Public accommodations fall into several areas: (1) signage, (2) unobstructed path of travel, (3) alternative formats of communication, and (4) public disability awareness. Public accommodations are required for both government and private entities, so they include libraries, parks, schools, restaurants, hotels, places of travel, and other destinations. It is a very broad range of public life.

People who are blind or visually impaired do not want special treatment or segregated services. People who are blind or visually impaired want to be included into everyday life. People who are blind and visually impaired fill many different roles, parents, teachers, service providers, churchgoers, volunteers, etc. People who are blind and visually impaired want to participate in their community, and in order to do that they need the kind of accommodations that will allow them to participate in everyday life.

Signage

Simple things such as signage are important. For instance, signs on bathrooms. That is a really important one if you need a bathroom. You need to know if it is a bathroom or a storage room or a stairway or elevator, and the signage needs to be accurate and consistent.

Signage that is consistent and accurate makes the difference for people who are blind going out and being able to get around independently. We are all familiar with the Braille and large print signage on elevators that say the numbers. It is even more important to have that signage at the floor so one knows that this is the 4th floor and not the 5th floor.

Unobstructed Path of Travel

Unobstructed path of travel is very important. One aspect of this is cane detectable obstructions, so that if something is protruding out of a wall, a flower pot is placed under it, a very simple accommodation. A person who is blind or visually impaired is not going to run into it. There are such things as detectable warnings, e.g., strips at the top of a flight of stairs that give an extra cue so that the person who is blind can be safe in his or her path of travel. These are simple accommodations that make it possible for people who are blind and visually impaired to have equal access to the community.

Alternative Formats

Alternative formats include readers of large print, Braille, audio cassettes, and computer disks. Many think that all printed information needs to be in all formats. That is not necessarily true, but it should be in formats that make it usable to more people, and the type of format that you need depends on the preference of the person and the complexity of the printed material being communicated.

For example, if it is a meeting agenda, it may be a good idea to have that in Braille because the persons attending will be sitting at this meeting and need to know the specific times on the agenda. If it is a handout that one will take home, then it may be best to have a computer disk so it can be read with a Braille output device or speech synthesizer device.

Along these lines, know that all people who are blind do not read Braille. As few as 12 percent of the blind population may have this skill.

[3] Statement by Mary Cozy to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Mary Cozy is an information and referral advocacy coordinator for the center.

So it is not a good idea to have the only alternate format be Braille.

Sometimes information can just be read to someone, e.g., a job application, a piece of information immediately needed. Another alternate format is to put something on the audio cassette.

So it is important to determine what is needed so the person who is blind or visually impaired can go to a meeting in their community and have access to the same information and participate at the same level as everyone else in the community. Many consumers call the DuPage Center and ask about how they can participate in all walks of their community. For example, one person might want to know where she can get music enlarged so that she can sing in her church choir. She does not have to sing in a choir composed of people who have visual impairment; she wants to sing with everybody else. Another person calls and wants to volunteer at her chamber of commerce, but she needed the information, such as the phone numbers of chamber members, put into Braille so she could independently call all the members of the chamber to remind them of meetings or help them with different projects. These are very simple accommodations that enable people who are blind or visually impaired to participate in all walks of life.

Public Disability Awareness

Finally, there is the issue of public education, which is really the most important thing that helps persons who are blind and visually impaired be participants in their community. It is important for sighted people to be educated in just how to work and accommodate people who are blind or visually impaired. For example, the law allows guide dogs to go everywhere. Yet even today, in this day and age people with guide dogs are still prohibited from going into some restaurants, and some taxicabs are refusing rides.

People who are blind or visually impaired do not want special treatment. They simply want equal access, something every speaker at this conference has advocated for.

Blind Services Association

Jim Ferneborg[4]

The Blind Services Association serves people who are blind or visually impaired in the six-County area around Chicago. The Blind Services Association is your classic, private, not for-profit organization that lives almost entirely on private fundings, bequests, and endowments.

The association is the area leader in reading and restoring to people who cannot access the printed page. There is a very small staff... but a very large volunteer staff in the area of 400 individuals annually donating over 17,000 hours to people who needed reading and customized recordings. In addition, the Blind Services Association offers a large number of scholarships.

Similar to the sentiment of other advocacy organizations, the Blind Services Association thinks that the best judge of what is best for blind people are blind people themselves. This is why in the Blind Services Association blind consumers not only participate, but also generate and are the architects and the administrators of all the programs.

I administer one such program, a summer program for children operating jointly with the Chicago Public Schools and the Chicago Park District. There are generally 17 to 20 children in that program every summer, ranging from 7th and 8th grade on through all the high school years. Every summer I notice that the children's daily living skills have gotten worse, their Braille has deteriorated, their mobility has gotten worse, and so forth.

It is we blind people who should be in the business of delivering services to other blind people. It is all well and good to have people who are certified in this or certified in that, but sighted people really do not have much of an investment in vision issues unless they have a close relative or a child who is blind. Blind people have an investment in seeing that other blind people prosper, succeed, and are independent.

I recall a few months ago being at a meeting of area teachers. There were 50 to 60 resource teachers in the room. They were itinerant teachers and orientation and mobility instructors. I

[4] Statement by Jim Ferneborg to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Jim Ferneborg is the assistant director of the Blind Services Association.

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inquired as to the number of blind people there were in the room. The answer came back, "One." I was the only one. I am not entirely sure that that is acceptable.

It is no mystery that blind children do not get the proper cane travel and the cane technique that they need, and the Braille skills that they need, and the tips and tricks that only blind adults can give them, who can become role models for them and can show them how to live successfully as a blind persons. It is easy for a child to go through the entire school system and never see a functioning blind person.

Upon receiving notice of this conference, I surveyed adults in our organization about barriers facing people who are blind. The main complaint centered around the delivery of services from our vocational rehabilitation system. The complaints included everything, from lack of money for schools to lack of vocational training programs.

Representatives from the Illinois Bureau of the Blind have testified at this conference that there are about 20 teachers in the State of Illinois who are rehabilitation teachers who actually go into the home to show people things. I understand that about four or five of them are blind or visually impaired, and that in the greater Chicagoland area there are no rehabilitation teachers who are blind or visually impaired. Our consumers tell us they want their teachers who come to the home to teach them things to be persons themselves who have learned to use and do things that blind people have to live with every day.

There is only one program that I know of in the United States that allows a blind individual to learn or to get a master's in orientation and mobility. That is presently run through the joint venture of Louisiana Institute for the Blind and Louisiana Tech University. Presently the Blind Services Association is assisting one individual, an individual who is totally blind, to go there and learn to become an orientation and mobility instructor. But, the question becomes, when he returns to Illinois, is anybody going to allow him to work because he has to pass through a certification that screens out blind people?

Who is better at teaching a blind person to travel than a blind person? Yet when people who need orientation and mobility training ask for the help from the State, they get a person who is supposedly certified, but that person teaches them with inadequate tools.

I understand there are about 18 to 20 counselors in the State, counselors who help people plan their education, their job search, career training, and do job placement for them. Of the 18, there are about 4 or 5 who are blind or visually impaired. There are counselors in the State of Illinois who do not even know Braille assisting people who are blind in planning their whole future. Again, it is the lack of role models for persons who are blind.

This country is in a period of its best economic growth since the postwar period. Unemployment is the lowest it has been in the last 30 years, yet blind people are not benefiting from this. The unemployment rate for people who are blind is still in the 70 percent area. The purpose of the vocational rehabilitation system should be to help people find jobs. There was a time when we had marketing and employment specialists for the blind. These positions no longer exist. Is it any wonder that there are not enough options for those who are blind with regard to employment once they have completed school and are on the job? The blind are losing jobs. Individuals who are blind wait months and months for equipment—technical equipment that they need on the job. Students wait for learning materials.

Individuals who are blind are losing jobs. They are losing jobs because they cannot keep up with the shifting technologies. The system has to focus on employment, and there is a sentiment in the community that it is simply not doing that.

I go back to the theme that the people who know what is best for blind people are blind people. There is a strong feeling within the blind and visually impaired community that what is needed in this State is a commission from the blind, a commission built from the ground up with the active support and participation of blind people, because they are the ones who eventually are consuming the services and who understand the best manner of delivering those services.

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Individual Statements

Don L. Davis [6]

Counselor for blind people in the State of Illinois

I was taken by surprise when I heard that the U.S. Commission on Civil Rights was conducting a hearing on barriers to blind people in education, transportation, housing, and employment. I honestly thought we had been forgotten.

I have been a counselor for blind people in the State of Illinois for 30 years. For this circumstance I am grateful, and I feel I have a good perspective on what has been occurring in Illinois. When I was first hired in 1968, almost the entire counseling and teaching staff were blind. This was because of the active involvement of the Federal Government. Until 1943 the national vocational rehabilitation system excluded blind people from services because we were considered too severely disabled for employment. The need for workers in World War II changed this perspective. Blind people were hired in every State, and employment for the blind increased. In 1965 in Illinois blind counselors were first allowed to handle their own cases because the system began to realize that if a blind person had a good secretary he or she would take extra precautions to have accurate paperwork. As long as the Department of Rehabilitation continued to hire competent blind people appropriately, and good clerical help was provided, then blind people prospered, and the State agency saw disability services for the disabled grow in influence.

With the growth of affirmative action, things began to change. The Bureau of Blind Services (BBS) was created in Illinois in 1979. BBS was not allowed to have its own secretaries and, of course, the worst secretaries were given to the blind because BBS statistics were not part of the local supervisor's concern. In 1986 this situation was changed, but the original damage to services was done, and poor clerical help was already in place and protected by civil service.

Second, the department was finding that placements as a whole were dropping. Marketing and employment specialists were hired. The Bureau of the Blind was not allowed to have any of these positions. Again, BBS statistics were not a concern for local supervision, and thus the MES only had to give token help for employment for the blind so appearances could be kept up with the public that all was well. This situation still has not been corrected to this day.

Third, the State of Illinois has had an excellent transition for high school students since 1965. This program mainly serves developmentally disabled. Bright physically disabled students are excluded by practice. This would include bright blind and visually impaired students. State law mandates transition services. Until now BBS has not been allowed to have its own transition services except at the school for the blind. We are in violation of State law and we know it.

In transportation the State transportation professionals treat the ADA not as a civil rights law but as a transportation limiting law. Medical visits and visits to the Social Security office are treated as priorities. Training, education, and employment are excluded as valid considerations. In the Chicago area there are not even an appeal procedures in place at PACE or the ADA for people to complain about this situation. There is only an appeal process at the RTA for eligibility.

In education the school for the blind is not under the Board of Education. It is under the Department of Human Services. Turf fighting over numbers has reduced the number of students referred to ISVI to the point where the school is threatened with closure. Educators in Springfield have stated they have no responsibility for direct services to students. This lack of accountability only affects the deaf, the blind, and the severely physically disabled.

Finally, since BBS was created in 1979 the number of blind professionals hired by the State has dropped dramatically. In 1979 the State had 18 blind rehabilitation counselors. In 1995 the State reported to the Federal Government that we had seven counselors. Today, the number is even lower. In 1979 the State had 20 blind rehabilitation teachers throughout the State, and 8 were in the Chicagoland area. Today, there are five teachers left in the State and none in the Chicagoland area. Only two teachers in the Chicagoland area know and can teach Braille. Braille illiteracy is a major reason for high unemployment for the blind.

The State claims that union contracts and intra-agency transfers are the major causes for lack of competent (especially blind) counselors

[6] Statement by Don L. Davis to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998.

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and teachers. The deaf community faced the same challenge a few years ago and had mandated sign language as a requirement for hiring counselors for the deaf. The union has no objections to reasonable requirements for a job. Today the services for the deaf have a nice mixture of deaf and hearing counselors who serve the deaf competently. The Department of Rehabilitation has refused to make Braille a requirement for teachers and counselors because BBS has become a dumping ground for unwanted counselors, supervisors, and administrators in the rest of DHS. This is why Illinois ranks 49th out of 50 States in successfully completing services as reported by the U.S. Department of Education, Rehabilitation Services Administration (RSA).

Under the official policy for hiring under affirmative action by the Illinois Department of Human Services; the State only is mandated to hire women and minorities. The disabled are not required to be hired. I have been told by my supervisors verbally that any list that includes the disabled is not asked for when people are hired. With no pressure to hire the disabled, exclusion ultimately becomes the practice of the agency.

Suggestions: We should return to the policy of strongly encouraging the hiring of blind people and others when it is known that a particular group of people definitely benefits from such a practice. Also, you should include the disabled in the whole hiring process with affirmative action and monitor all affirmative action programs to ensure that all disabled people are given a fair hearing in the hiring process.

For transportation make the ADA be enforced as a civil rights act and make training and employment a priority. Just adding employment could reduce unemployment of all disabled to 50 percent.

In Illinois put all schools for the disabled under the Department of Public Instruction. Educators are paid to educate and the disabled are American students. Turf fighting and faulty educator attitudes toward the disabled would be corrected.

In employment encourage DHS to give BBS its own transition and marketing programs. Encourage DHS to make Braille reading and writing a requirement for hiring teachers and counselors working with the blind. Include the disabled as equals when evaluating AA programs.

In conclusion, confer with the U.S. Department of Education, RSA, Chicago Regional Office. This department is responsible for monitoring the Federal rehabilitation program. In talking to their staff, I have found that they are concerned with the drop in hiring and employment shown by all blind services throughout the country. They also reported that State agencies have been getting around client assistance programs and appeals by not letting calendars start for appeal processes. Denial of rights to citizens may be at stake. In any case, this department should have the kind of information that could prove helpful in your search.

Ann Brash [6]

Claims representative, Social Security Administration

Last August our office converted to a new computer system, Windows NT. I now use speech software manufactured by Henry Joyce and a Braille display made by Tel-Sensory Systems, Inc., Philly Systems. Although SSA and Henry Joyce have made significant improvements in the system since August, there are still a number of serious problems remaining that make it extremely difficult for me to provide either the quantity of service or the quality of service to the public that Social Security expects and that I used to be able to provide using my previous equipment. First, the speech and the Braille frequently do not work together. The speech reads several lines above or below where the Braille is reading, and in many instances neither of them tells me where I actually am on the screen. It is very easy to fill in information on a form in the incorrect places. Often the Braille and the speech are so incompatible that the computer keys lock up totally.

Secondly, the speech is out of sync with the screen. I can be in one part of a program and it will be reading information to me from another part of the program, making it almost impossible for me to concentrate on what I am doing or to know where I really am on the screen. Sometimes the speech stops altogether and the Braille disappears entirely.

Thirdly, there are applications which are still not easily accessible, such as our search documents. Through a complicated process of using different key combinations, I can eventually get

[6] Statement by Ann Brash to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998.

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to the section I need to read. However, this requires so many steps and is so slow that my claims processing time is significantly increased.

Fourth, problems result from the multiple uses of certain keys. For example, the insert key and the control key are of great importance in Microsoft Word and in SSA's mainframes, but they are also of primary importance in allowing the speech program to operate correctly. When the issues of these key conflicts, which is often, the system freezes.

Those who do not use this software cannot understand the emotional impact that this system's instability problems, i.e., the constant disappearing and reappearing of entries, can have for a person who is blind and trying to use the system. For the past year, I have tried to create within SSA a blind computer user's network where solutions to problems could be exchanged. To date I have not been able to obtain agency support for this effort.

With the growth of technology, speed is becoming all important on the job as increased productivity is demanded with fewer employees. Our previous DOS-based computer system had its emphasis on the written word and did much to shrink the gap between what we as blind professionals could do on the job, and what our sighted coworkers could accomplish. Now, however, the Windows environment is widening that gap again.

Technology may make jobs easier for those who can see, but for those of us who are blind and using constantly changing technology, we struggle just to keep up technological innovations are causing us to lose all of the gains we have made. Those of us who have worked so hard for so many years to reach this point in our career may be forced out of the job market.

Terry Gorman [1]

Tax law specialist, Internal Revenue Service

I am a tax law specialist at the Internal Revenue Service. I want to address my concerns about issues that involve the personal lives of people who are blind and visually impaired with respect to our functioning and enjoyment of life.

One of the wonderful things about living in a city like Chicago is the opportunity to go into places and enjoy the restaurants and art services available in the city. In that regard, blind people are actually physically barred from the enjoyment of some of these things.

Let me illustrate. Let us suppose a person who is blind and would like to go to a foreign specialty restaurant, and the restaurant has 150 items on the menu and no one at the restaurant speaks English well. The result in this instance is that if I am going to go to that restaurant alone or perhaps with a blind acquaintance, we are not going to be able to get served. I understand, that under the Americans with Disabilities Act a person who is blind has a right to have all of the items on the menu read to him or her. Actually, what frequently happens in restaurant situations is people avoid their obligation to really inform you of the menu. But let us say all 150 the items on the menu are read to you. What sort of an experience is it like to have someone read a lengthy listing of such items? So there is a physical bar to actually going into some of the most enjoyable places in the city.

What is the solution? The solution is a law mandating at some level that restaurants, museums, and other public entities be required to provide their information in Braille. This is an area where blind people can work for themselves. We know Braille and we can produce Braille. Some establishments have offered recorded menus and information. The problem with that medium is that the piece of equipment may be unfamiliar to the user. Upon being handed the piece of equipment, the first reaction is, What are the controls? Where's the play back? Perhaps the piece of equipment is broken on the particular day the person who is blind visits. It is philosophically problematical when million dollar infusions are made into many restaurants and other public entities and there is no consideration for the blind in these kinds of services.

My last item is in a similar vein. If a person who is blind buys a piece of equipment, he or she would like a manual available about the operation and features of that product. Similarly, when a person who is blind is making a decision about insurance or medical care. It is not as if someone is sitting down at an old manual typewriter like they used to years ago. Yet the blind community seemingly has no legal right to request even magnetic computer disk copies of such manuals and pamphlets.

[1] Statement by Terry Gorman to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998.

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Chapter 5

Federal Enforcement Agencies

U.S. Department of Housing and Urban Development

Barbara Knox [1]

The Office of Fair Housing and Equal Opportunity in the U.S. Department of Housing and Urban Development (HUD) administers several civil rights laws applicable to HUD programs and to the housing industry at large. In 1988 Congress amended the Fair Housing Act of 1967 to include protection against housing discrimination based on disability. Those amendments gave HUD the responsibility to enforce the act's provision by making determinations of discrimination and affording complainants legal representation before an administrative law judge or in Federal court.

Prior to 1988, HUD was already charged with ensuring that its programs did not discriminate against persons with disabilities under section 504 of the Rehabilitation Act of 1973. The difference the Fair Housing Act makes in those protections is that its coverage extended beyond HUD funded housing to include most public and private housing in the country. The Fair Housing Act also covers most real estate related transactions, e.g., homeowner's insurance, home equity loans, and loan packages sold on the secondary market.

Since the fair housing law extends to the private housing markets, HUD does Secretary-initiated complaint investigations. Based on information HUD receives, the Secretary can initiate its own investigation and initiate what is called a Secretary-initiated charge, very similar to a class action complaint.

Regarding new construction requirements of the Fair Housing Amendment Act, there are some general guidelines concerning accessibility requirements. These accessibility requirements do have some guidelines about providing environmental controls and other sorts of things that would allow a person with visual impairments to enjoy their unit. But many of the circumstances that come to us show us that needs are often individualized depending on the severity or nature of a person's disability.

The Midwest Office of Fair Housing and Equal Opportunity within HUD investigates complaints alleging discrimination in housing received from individuals and organizations in Illinois, Michigan, Ohio, Indiana, Wisconsin, and Minnesota. The office processes about 1,000 complaints each year. In fiscal year 1997, 27 percent of the complaints filed with the Midwest Regional Office were based on disability, and 80 percent of those were based on physical rather than a mental disability. In the State of Illinois, 23 complaints were filed in fiscal year 1997. Thirty-one percent were based on disability, and 86 percent of those were solely based on physical disability.

Only four or five complaints each year are from visually impaired individuals or their advocates. Those low figures probably speak more to the agency's failure to do sufficient outreach to the blind and visually impaired rather than an absence of discrimination against such individuals in housing. Despite the fact that the agency has worked towards making itself and its programs known, the agency probably still has not effectively informed all segments of the public that the agency exists and operates to protect their rights.

Most complaints filed with HUD on the basis of blindness or vision impairment involve assistive or service animals, e.g., guide dogs. There are still landlords who believe that guide dogs are pets rather than an essential part of a blind person's physical being. The agency has just concluded a case in Rockford, Illinois, involving a HUD-subsidized project. A blind tenant wanted management to make various signs and written materials more accessible to him. After finding

[1] Statement by Barbara Knox to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Barbara Knox is the regional director of the Midwest Office, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development.

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in favor of the tenant, HUD entered into a settlement agreement with the owner to provide tape-recorded messages of leases, monthly newsletters, and admission information to visually impaired tenants.

There are limitations in these laws and in the way these laws have been written. Even though HUD has had accessible guidelines published since 1992 and published a manual for developers, builders, and architects giving them specific guidelines on how to comply with the Fair Housing Act, the vast majority of new construction of four units or multifamily housing, whether it is being sold or rented, do not comply with the Federal law. Congress specifically decided not to require that building codes themselves be amended in jurisdictions to comply with the act. That means the first defense of developers and/or architects is that they did not know that such was required. This is an additional problem the agency faces with meager resources trying to enforce the law.

Finally, HUD as an agency is sensitive to the blind and visually impaired. For instance, the agency offers a Braille version of the Fair Housing Act regulations and provides assistance to visually impaired persons who wish to file complaints. Further applications for HUD assistance receive a front-end review of the application to assure that that recipient has certified that it will comply with section 504 of the Rehabilitation Act. Additionally, a number of HUD employees have vision impairments, and the agency has made an effort to provide these employees with the tools necessary to do their jobs.

U.S. Equal Employment Opportunity Commission

Celeste Davis [1]

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Title I of the Americans with Disabilities Act (ADA). That act prohibits employers with 15 or more employees from engaging in any employment practice which discriminates against a "qualified individual" with a disability. A "qualified individual" is a person who, with or without reasonable accommodation, can perform the essential functions of the job. The protection of the ADA extends to employees as well as to applicants for employment.

FIGURE 1
Complaints to the Midwest Region, EEOC, on the Basis of Disability

Source: U.S. Commission on Civil Rights, Midwestern Regional Office, from U.S. Equal Employment Opportunity Commission data.

EEOC rules and regulations require persons believing that they have a claim against an employer to file a charge with the agency within 300 days from the date of harm. Once a charge is filed, the EEOC will conduct an investigation to determine whether or not there is cause to believe the allegations in the charge. Additionally, similar to other Federal civil rights agencies, the EEOC can initiate a Commissioner complaint against an employer without a complaint having been filed. This procedure originates in Washington, DC, and is also a tool used by the agency to enforce equal employment practices.

For the 29-month time period, January 1996 through May 1998, the Midwest Regional Office of the EEOC received a total of 2,612 charges alleging employment discrimination on the basis of disability. Sixty-seven of those complaints, 2.6 percent, dealt with the issues of blindness and/or visual impairment. Those 67 charges are open, i.e., unresolved, charges at this time.

[1] Statement by Celeste Davis to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Celeste Davis is the regional counsel of the Midwest Regional Office, U.S. Equal Employment Opportunity Commission.

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U.S. Department of Health and Human Services

Patricia Lucas [3]

The mission of the Office for Civil Rights (OCR), U.S. Department of Health and Human Services, (HHS) is to ensure that all programs and facilities that are recipients of money received through HHS, e.g., medicare, medicaid, and certain block grant programs, are offered in a nondiscriminatory way to all people without regard to race, color, religion, gender, age, national origin, and disability.

The laws the agency enforces are similar to those handled by other Federal civil rights agencies: title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975. OCR also has enforcement authority under the Public Health Service Act, which prohibits discrimination on the basis of sex, in admission to health-related training programs funded under the act, and requires facilities assisted by the Hill-Burton Act to provide health care services to all persons residing in the service area in a nondiscriminatory manner.

OCR estimates that approximately 230,000 group and institutional providers of federally assisted services are subject to the nondiscrimination laws it enforces. Some of the programs that the Midwest Regional Office of OCR deals with include HMOs, nursing homes, day care centers, counseling agencies, and services offered through the State of Illinois Department of Children and Family Services and the Department of Human Services. The agency also initiates outreach activities and reviews new programs, such as HMOs, coming into an area. In addition, the agency assists any facility in developing internal policies and procedures to ensure that such are being provided in a nondiscriminatory manner.

The laws governing HHS only make discrimination illegal; they do not require affirmative action by the providers. HHS often receives inquiries about lack of access to medical care, and what that means here in Illinois is that there are no hospitals on the south side of Chicago. HHS cannot mandate anybody to build a hospital, or require a doctor or an office to open. HHS can only require that the facilities that do exist do not discriminate.

Regarding complaints to OCR on the basis of blindness or visual impairment, HHS receives very few such complaints. The kind of complaints HHS has received over the years with respect to the blind and the visually impaired were mostly guide dog situations. These complaints were particularly with regard to hospitals where either employee might want to use their dog to get to work, or visitors is to the hospital might need to use guide dogs. The funding for Federal enforcement agencies has been reduced in recent years. This has affected the amount of outreach by the agency, and as a result reduced the number of people knowing about their rights to file a complaint.

U.S. Department of Labor

Shirley Mason Carter [4]

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, similar to other Federal civil rights agencies, receives and investigates complaints from individuals who have disabilities. The main responsibility of the agency, however, is to ensure that companies that provide goods and/or services to the Federal Government and have a contract of at least $2,500 develop affirmative action plans for individuals with disabilities. Section 503 of the Rehabilitation Act of 1973 requires covered government contractors to undertake affirmative action for qualified "handicapped individuals," and it is this law the OFCCP enforces with respect to the blind and visually impaired. These affirmative action plans state that the companies will undertake affirmative action and equal opportunity efforts in all their personnel practices, including but not limited to, hiring, promotions, training, recruitment, transfers, and any other mobility including to the executive level.

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[3] Statement by Patricia Lucas to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Patricia Lucas is a branch chief in the Midwest Regional Office, Office for Civil Rights, U.S. Department of Health and Human Services.

[4] Statement by Shirley Mason Carter to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Shirley Mason Carter was the deputy director of the Region V, Office of Federal Contracts Compliance Programs, U.S. Department of Labor, at the time of the conference. She is now the regional director of Region IV, Office of Federal Contracts Compliance Programs, U.S. Department of Labor.

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Affirmative action plans for the disabled are written plans and must include several factors, including: (1) a schedule of review of position descriptions to review for physical and mental limitations to assure that the company is not excluding anyone who could otherwise be qualified to do jobs; (2) procedures to ensure that proper consideration is given to all the qualifications of any individual that applies for a job or promotional opportunity; (3) reasonable accommodation, i.e., reasonable in that it does not cause any undue hardship to the company, affording individuals with disabilities equal employment opportunity; and (4) positive outreach to recruit disabled individuals when companies have openings for positions.

The enforcement activities of OFCCP are in four areas. First, the OFCCP conducts compliance reviews and investigates complaints from individuals. Second, the agency negotiates compliance agreements and letters of commitment to ensure compliance with the affirmative action requirements. Third, the OFCCP provides technical assistance to aid contractor understanding of, and compliance with, Federal nondiscrimination and affirmative action requirements. Fourth, the OFCCP can recommend enforcement actions to the Solicitor of the U.S. Department of Labor if a company does not comply with their affirmative action and equal employment opportunity obligations.

So, in addition to an individual with a disability being able to come to the OFCCP and file a complaint within 180 days of the action, the OFCCP also monitors and reviews companies for its equal employment opportunity to individuals with disabilities without complaints being filed to ensure that companies have procedures and employment practices that afford equal opportunity for individuals with disabilities.

U.S. Department of Education

Don Ray Pollar [5]

The Office for Civil Rights (OCR), U.S. Department of Education, enforces five Federal statutes that prohibit discrimination in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Discrimination on the basis of race, color, and national origin is prohibited by title VI of the Civil Rights Act of 1964. Sex discrimination is prohibited by title IX of the Education Amendment of 1972. Discrimination on the basis of disability is prohibited by section 504 of the Rehabilitation Act of 1973. Similarly, title II of the Americans with Disabilities Act of 1990 also prohibits discrimination on the basis of disability. Age discrimination is prohibited by the Age Discrimination Act of 1975.

The civil rights laws enforced by the Office for Civil Rights extend to all State education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, State vocational rehabilitation services agencies, libraries, and museums that receive Federal financial assistance from the U.S. Department of Education. Programming activities that receive Federal funding must be operated in a nondiscriminatory manner.

Since January 1, 1996, OCR has received 18 complaints alleging discrimination on the basis of blindness and/or visual impairment. The allegations in those complaints are most often related to the provision of related aids and services, e.g., books in Braille, and modifications to allow students who are blind or have a visual impairment to take tests. All OCR complaints regarding the blind and visually impaired have been resolved, i.e., the agency has either obtained agreements from schools that they will provide the services, or the services have been provided.

The Department also funds early intervention programs for certain individuals with disabilities. In these programs, Federal rules and regulations require grant recipients of these early intervention programs to provide services to individuals starting at 3 years of age. So there are established programs for the provision of services in terms of evaluation, and services at the early stages of disability.

A problem in the nondiscrimination education laws, however, is that they only mandate nondiscriminatory behavior. The laws do not require any affirmative action effort, i.e., deliberate and positive efforts to ensure equal education opportunity for individuals who are blind or have a visual impairment. Hence OCR can only ensure that the education programs and activities that are funded by the Federal Government are operated in an nondiscriminatory manner. OCR does make an effort to do technical assistance and outreach to organizations, but the scope and jurisdiction of the agency's enforcement power is limited.

[5] Statement by Don Ray Pollar to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," Chicago, IL, May 29, 1998. Don Ray Pollar is an investigator in the Midwest Regional Office, Office for Civil Rights, U.S. Department of Education.

Chapter 6

Conference Summary

The United States is a visual society. Access to its employment opportunities, its culture, and its dominant communication media is grounded in an ability to see. As such, visual impairment is a unique disability in this country.

To address discrimination against individuals with disabilities, the Americans with Disabilities Act (ADA) of 1990 was enacted at the Federal level to provide equal opportunity to individuals with disabilities in the areas of employment, public access, and transportation. The promise of the ADA, however, has not eliminated problems for those with disabilities. Though the ADA was an attempt to create a workable law and a set of regulations that people could use to improve opportunities for people with disabilities, it has proved to be a complex law. Part of its complexity is that it is difficult for individuals without disabilities to determine what is an appropriate accommodation, or how to make a facility or job site more usable or accessible for someone with a disability—in particular if that person is visually impaired.

Because of this inherent complexity, there have been numerous published stories and articles casting aspersion on the ADA. These stories recount incidents of the inordinate costs borne by private agents and individuals in order to provide accommodations and equal access to employment. Such stories have served all too often to paint the ADA as an overreaching oppressive burden on employers, retailers, educators, builders, and architects. The positive improvements in the lives of individuals with disabilities, and stories of people who, because of the ADA, have successfully gained employment, education, or other opportunities, have been largely ignored.

As the Illinois Advisory Committee heard, advocates for persons who are blind have had to fight relentlessly to get school systems in Illinois to teach Braille: currently only 10 percent of substantially visually impaired school age children nationwide are being taught Braille. With respect to establishing priorities, linkage of SSDI recipients with retirees, the reauthorization of the Rehabilitation Act and its amendments, and employment are all priorities for those concerned about equal opportunity for the blind and visually impaired. There are also concerns about the trend towards consolidated agencies and closing specialized schools for people who are blind. But in an environment where fundamental civil rights for the disabled are challenged as too onerous and burdensome for a society to bear, it is difficult to press for widespread measures that truly expand real opportunity for those with disabilities.

In undertaking the issue of "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," the Illinois Advisory Committee to the U.S. Commission on Civil Rights had two concomitant purposes: (1) to learn about the civil rights issues of visual impairment and (2) to bring to the political debate a bipartisan, public statement on these issues grounded in the ideals of equal opportunity and justice.

In the aftermath of its conference on "Civil Rights Issues Facing the Blind and Visually Impaired in Illinois," the Advisory Committee sets out 38 highlights regarding significant civil rights issues and offers 32 conclusions and observations. Both sets of statements are collected into four sections: (1) incidence rates and public perceptions, (2) employment, (3) transportation and independent living, and (4) education. The statements may be considered and cited as the unanimous expression of the Illinois Advisory Committee.

Conference Highlights

Incidence Rates and Public Perceptions

1. Blindness is a low incidence disability, and there is a false perception that the cost to rehabilitate persons who are blind is disproportionate to its benefit for society. Blindness is not rare in the United States. An estimated 1.6 million adults, 6 of every 1,000 individuals, have a se-

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vere functional limitation in seeing print. In addition, 9.7 million adults in the United States, 4 in every 100 adults, have some type of functional limitation in seeing print.

2. There are 1.1 million legally blind persons, 4.5 individuals per 1,000, in the United States. Of those, 220,000 have no useful vision and 110,000 are totally blind.

3. At this point in time, another 200,000 persons in the United States annually acquire some form of visual impairment, an incidence rate of 1 per 1,000. There are 80,000 annual new cases of legal blindness. But, as noted below, that rate will increase in the coming years.

4. The elderly, those aged 65 or older, are those most affected by vision loss. Two out of three persons who are blind or visually impaired in the United States are over the age of 65. Many more people than there is money to serve are coming into the elderly blind program every year. The annual appropriations in Illinois for such programs are $1 million; the Illinois Bureau of Blind Services requested $12 million. The elderly who are losing their sight are essentially being ignored with respect to services for their disability.

5. As the population ages, there will be an increase in blindness in this country. The leading causes of blindness, particularly macular degeneration and glaucoma, will double their impact in the coming years as the Nation's 76 million baby boomers reach older adulthood.

6. Persons with a visual impairment are disproportionately outside the labor force and not working. Among adults who are either blind or have a severe visual impairment, just 26 percent are in the labor force, i.e., employed or seeking employment, compared with a nationwide labor force participation rate of 67.3 percent.

7. The common perception among the sighted public that all persons who are blind read Braille is not true. Most persons who are legally blind do not use Braille as a reading medium. Fewer than 10 percent of adults who are legally blind are able to read Braille.

8. There is a great fear in the general public concerning blindness. A Public opinion poll shows blindness second only to AIDS as the disability/disease individuals least desire.

9. A special problem borne by some individuals is the incidence of the dual disability, deaf-blindness. The number of children, i.e., individuals 21 years of age or younger, in the United States who are both deaf and blind is estimated at 10,000, an incidence rate of 1.2 per 1,000 children.

Employment

1. Individuals who are visually impaired are protected against discrimination in employment by the Americans with Disabilities Act (ADA) of 1990 and section 504 of the Rehabilitation Act of 1973. Further, the ADA requires employers to make a reasonable accommodations to ensure equal employment opportunity for the visually impaired.

2. Persons who are visually impaired are reluctant to complain about discrimination or non-accommodation by employers. Only 2 percent of the complaints made to the EEOC deal with the issue of blindness or visual impairment. Moreover, persons who are visually impaired often undertake job accommodations at their own expense out of fear of losing their jobs.

3. Among employers who do not hold government contracts, civil rights enforcement for people who are blind and visually impaired among employers who do not hold government contracts is limited to nondiscrimination. For employers holding government contracts, affirmative action obligations with regard to individuals with disabilities is much more limited in scope than affirmative action for women and minorities. Unlike the affirmative action programs for women and minorities, affirmative action programs for individuals with disabilities do not have utilization analyses, availability analyses, or specific goals for employing individuals with disabilities.

4. With the growth of technology, and as increased productivity is being demanded of fewer employees, speed is becoming all important on the job. DOS-based computer systems of the past, with their emphasis on key-striking and written words, did much to shrink the gap be-

tween what blind professionals could do on the job and what sighted coworkers could accomplish. Now, the increasing pace of technological change, coupled with increasing demands on employee productivity, is making it a struggle for persons who are blind or visually impaired to find and maintain employment.

5. Supplemental security income (SSI) is provided to individuals who have a visual impairment only if the person has a monthly income less than $1,050.

Transportation and Independent Living

1. The Office of Rehabilitation Services Administration, U.S. Department of Education, monitors the State's vocational rehabilitation program. That agency reports a nationwide concern over declining hiring and employment trends of persons who are visually impaired.

2. The Illinois Blind Services Planning Council is little utilized by the Governor or the State Legislature. The council is poorly funded, mired within the Illinois Department of Human Services, and has no full-time executive director or direct access to the Governor.

3. Too much isolation for persons who are visually impaired becomes a security blanket that ultimately retards their ability to be independent and productive.

4. Beginning in 1995 there has been a series of cuts in Federal funding for public transportation. The result is a dwindling of services to those with a visual impairment, and a diminution of their ability to be independent.

5. There is no consistent pattern of identification design in elevators, room numbers, street crossings, office buildings, and other public places. For example, without standard markings on elevators, persons who are blind are unable to identify with certainty the floor number in a multistory building.

6. The lack of Braille as a standard feature in elevators, menus, public buildings, museums, transit systems, etc., is a disincentive for persons who are blind to learn Braille.

7. Section 255 in the Federal Telecommunications Act of 1996 states that new telecommunication equipment and services should be made accessible. That requirement is limited, however, to telephone-based equipment.

8. New technology, as it applies to household appliances and personal computers, presents serious problems for the visually impaired because of the limited adaptations of these devices for those unable to read printed words.

9. Regarding the home entertainment/television medium, there is an accommodation called video description that can be provided for the visually impaired. Video description provides an audio description of the picture, and is currently being provided in a pilot form by the Public Broadcasting System. To date the United States Congress and the Federal Communications Commission have not decided to give video description the same level of commitment provided to the hearing impaired through closed captioning.

10. For manufacturers of home appliances, entertainment devices, and computer products, there is little economic incentive to make such goods accessible to persons who are blind and visually impaired. In many instances the costs are too great and the market too small.

11. The Department of Housing and Urban Development receives very few complaints from individuals who are visually impaired. HUD acknowledges that the low numbers of complaints in part reflect the agency's failure to do sufficient outreach to persons who are blind or visually impaired, rather than a lack of discrimination in the housing market against those persons.

12. The Department of Housing and Urban Development is hampered by legislative restrictions in enforcing nondiscrimination laws protecting persons who are visually impaired. Federal legislation does not require that local building codes be amended to comply with the Americans with Disabilities Act.

13. ATMs present particular accessibility problems for the visually impaired because most ATMs do not offer audio instructions.

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Education

1. In Illinois there are 2,500 students who are totally blind and another 5,000 students who are functionally blind. Further, there are additional numbers of students who can read an eye chart, but cannot read it or other material 8 hours a day, 5 days a week, week after week. These different types of disabilities related to vision require different visual aids. In some situations low-vision individuals are worse off than totally blind individuals because they are not identified as having severe disability.

2. Blindness and visual impairment are often mistakenly viewed as signs of mental or developmental disability.

3. Simple adaptations of educational material can make a significant impact on the learning of visually impaired students and allow such children to receive much of their instruction within the regular classroom.

4. There are too few trained teachers to serve the blind and visually impaired population.

5. In Illinois, both in rehabilitation programs and in the schools, the State has provided reading systems either to institutions or directly to individuals who need them. The downside is that while the costs of such alternative reading systems have come down, these media are still expensive access to the printed page which most sighted people obtain for virtually nothing.

6. In education programs there are children who have multiple disabilities. The parents of these children have need of both services and information in order to provide optimal care and opportunities for their children.

7. Getting proper Braille instruction is important for persons to have independence.

8. There is a lack of sufficient closed circuit televisions (CCTVs) and computers to meet the needs of all students who are visually impaired.

9. An often overlooked problem for visually impaired students is obtaining the correct text and/or assignments in enlarged print, Braille, or on other accessible medium in the *proper* timeframe for the student to compete academically.

10. Parents of children who are blind or visually impaired are usually the most knowledgeable persons regarding the capabilities, aptitudes, and optimal learning environment for these students. Unfortunately, in many instances this parental resource is ignored by the school in the development of an instructional educational program for the child who has a visual disability.

11. The State of Illinois provides early intervention services only to "at-risk" children. The State has a policy not to provide services to persons not determined to be developmentally delayed.

Committee Observations and Recommendations

Incidence Rates and Public Perceptions

1. Blindness is not an uncommon disability. Almost 10 percent of the adult population has either a visual impairment and/or some type of functional limitation in seeing print.

2. The elderly, those most affected by vision loss, are essentially being ignored with respect to services for their disability.

3. Statistics indicate that the United States will soon have a large increase in the aged blind. The State of Illinois and the are Nation unprepared for it.

4. The public's personal fear of blindness and vision loss affects their perceptions of the capabilities of persons who are visually impaired. Many in the public assume individuals who are visually impaired are unable to function competently in an educational setting or the workplace and are incapable of independently participating in community life.

5. The visually impaired community in Illinois is not unified in presenting a common agenda to advance civil rights for people within its community. Some sharp disagreements exist among organizations that advocate for those who are visually impaired as to the most appropriate education, training, and accommodation methods. This has diminished the political power

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available to the visually impaired community and mitigated the advancement of civil rights and services for the visually impaired.

Employment

1. Persons who have a visual impairment need effective and aggressive enforcement of the existing civil rights legislation and statutes.

2. For equal employment opportunity for persons with visual impairments to become a reality, more is needed than a policy of nondiscrimination, as evidenced by the reluctance of persons with a visual impairment to lodge employment discrimination complaints with government enforcement agencies. Specific affirmative action programs to promote access to employment opportunities is necessary. Affirmative action program guidelines for persons with a visual disability should be similar to the affirmative action program guidelines in place at the Federal level for women and minorities, i.e., utilization analysis, goals, and timetables.

3. Federal, State, and local governments should consider giving tax incentives to employers who hire such individuals. Currently such incentives exist for former welfare recipients, and programs similar in design should be considered in light of the tremendously high rate of unemployment among those who are blind and visually impaired.

4. In Illinois the Department of Human Services should consider giving the Bureau of Blind Services a separate outreach and marketing program because of the unique disability of its clientele. In addition, the Illinois Department of Human Services should make the ability to read Braille a requirement for teachers and counselors working with the blind.

5. The wooden requirement of eliminating income maintenance payments to persons who are visually impaired if they earn more than $1,050 a month discourages the individual from seeking productive full-time employment. The Internal Revenue Code should be amended to provide that, as with social security recipients who continue to work, graduated benefit reductions would allow individuals to obtain SSI while holding certain minimal levels of employment.

6. The State of Illinois should have a stronger State Use Act. Many agencies serving persons who are blind supply products to the Federal Government through the Javits-Wagner-O'Day Act. More jobs would be available if the State had a stronger similar law. Products purchased by the State and made by persons with disabilities would create jobs. Any state use legislation should encourage, allow, or mandate any government entity within the State (city, county, library, school districts, etc.) to purchase such products at the State-approved contract price without having to obtain any further bids.

Transportation and Independent Living

1. All too often service providers overlooked the utility of using persons who are blind to provide instruction and serve as role models for children who are blind and newly blind adults.

2. The Illinois Blind Services Planning Council should be utilized by the Governor and the State Legislature. The issues facing the visually impaired are acute and broad-based and deserve greater attention than is now given by the State.

3. Disabilities, unlike other "protected classes" receiving civil rights protection in recent years, are more than merely the attitudes that individuals hold towards disabilities. Ensuring equal opportunity for people with disabilities does, in fact, require specific kinds of affirmative steps and actions.

4. Programs providing services to the visually impaired, whether they focus on job training, education, or independent living skills, need to regularly mainstream the blind and visually impaired with the sighted community.

5. There must be more public transit service, not less. The result of dwindling government funding for public transportation has diminished the ability of visually impaired persons visually impaired to be productive and independent.

6. Some simple consistency of identification design in elevators, room numbers, street crossings, office buildings, and other public places would enhance independence for persons who are visually impaired. Along this line, if Braille were to become a standard feature in elevators,

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menus, public buildings, museums, transit systems, etc., persons who are blind would have incentives to learn the system and would demand to learn it because of the opportunities available.

7. A provision similar to section 255 of the Federal Telecommunications Act should be included in legislation covering computers, software, and the Internet. These sectors are strong enough to withstand a statutory and regulatory action that mandates accessibility for the visually impaired. It is clear that the only way to ensure that computers and consumer home products are accessible to blind people is to mandate that the designers and developers of these products include provisions for such accessibility in their original designs.

8. Government has used the tax code to promote social policy. Changes to the tax code to encourage manufacturers to make their products accessible to the visually impaired should receive a feasibility and cost-benefit analysis by Federal and State Government.

9. Following the pattern of accommodation of closed captioning for people who are hearing impaired, the United States Congress, the Federal Communications Commission, and the U.S. Department of Education should begin to treat the provision of video description services in the same manner as closed captioning.

10. The few complaints to the Federal Departments of Housing and Urban Development and Health and Human Services from individuals who are blind or visually impaired emphasize the need for these agencies to require that recipients of Federal funding undertake some form of proactive civil rights effort, i.e., affirmative action, to ensure that the civil rights of the visually impaired are protected. The low number of complaints clearly demonstrates that a reliance upon a complaint-driven process to provide fundamental civil rights protections for the visually impaired is not an appropriate enforcement mechanism.

11. The Federal Government's failure to require that local building codes be amended to comply with the Americans with Disabilities Act hampers the effectiveness of the act. Often, the first defense of a developer or architect who fails to provide building accommodations for the visually impaired is that such are not required by local codes. The failure to include physical accommodations for persons who are blind and visually impaired at the time of construction is inefficient and compounds ultimate accessibility. Making physical accommodations does not cost much at the point of construction, but retrofitting is expensive.

Education

1. In Illinois there are 2,500 students who are totally blind and another 5,000 students who are functionally blind. Further, there are additional numbers of students who can read an eye chart, but can not read it or other material 8 hours a day, 5 days a week, week after week. These different types of disabilities related to vision require different visual aids. In some situations a low vision individual has it even harder than a totally blind individual because he or she is not identified as having that kind of severe disability.

2. Children who are visually impaired should not be presumed to have learning disabilities.

3. Children who are visually impaired should whenever possible receive instruction within the regular classroom, with material adapted and accessible so that the visually impaired student can participate equally. Simple adaptations of material can make a significant impact on learning.

4. It is imperative that all students who are blind receive proper Braille instruction.

5. In Illinois, both in rehabilitation programs and in education programs for children, there is a need for services to assist the parents of these children.

6. There is a lack of sufficient closed circuit televisions (CCTVs) and computers to meet the needs of all students who are visually impaired. Every student who is blind should have access within the instructional setting to personal computers whose print can be enlarged by a word processor, read by a text-to-speech program or punched out by a Braille printer, and have its

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published text available in flat files with no formatting commands required for downloading.

7. It is essential that schools mandate that teachers provide class material, texts, and assignments to students who are blind and visually impaired in both an accessible medium and in the *proper* timeframe for the student to compete academically.

8. It is important that parents of children who are visually impaired be integrated into the planning of the educational programs for their children. Parents are often the most knowledgeable persons of students who are blind and visually impaired and should play a significant role in any and all instructional decisions.

9. In Illinois the administrative control of schools providing educational services for students who are blind should be placed under the State's Department of Public Instruction. Educators are paid to educate, and children who are blind are students.

10. Illinois provides early intervention services only to "at-risk" children. However, children who have severe visual disabilities, while not necessarily developmentally delayed, have special needs that must to be addressed early. The State of Illinois needs to reconsider the effectiveness of its policy in this regard.

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